

PART 3:

**ZONING DISTRICTS: DISTRICT ESTABLISHMENT,
DIMENSIONAL, AND USE REGULATIONS**

DIVISION 19.03.0100 ZONING DISTRICTS AND MAPS

SECTION 19.03.0101 ESTABLISHMENT OF DISTRICTS

To carry out the purpose and provisions of this Ordinance, the Village of Grafton is hereby divided into the following zoning districts:

Residential Districts:

R-RE Rural Estate Single-Family Residential District
R-E Estate Single-Family Residential District
R-1 Suburban Estate Single-Family Residential District
R-S Suburban Single-Family Residential District
R-2 Single-Family Residential District
R-3 Urban Single-Family Residential District
R-4 Duplex/Townhouse Residential District
R-5 Suburban Two-Family Residential District
R-6 Urban Two-Family Residential District
MFR-1 Medium Density Multiple-Family Residential District
MFR-2 Low Density Multiple-Family Residential District

Business Districts:

CBD Central Business District
C-1 Neighborhood Business District
C-2 Community Business District
C-3 Commercial Service Business District
C-4 Freeway Interchange Business District

O Office District
BP Business Park District

Industrial Districts:

M-1 Industrial District
PID Planned Industrial District

Public and Semi-Public Districts:

I Institutional District
PR Park and Recreation District

Agricultural Districts:

A-1 Prime Agriculture District
A-2 Agriculture District
A-3 Agricultural Holding District

Special Districts:

PUD Planned Unit Development Districts
HPO Historic Preservation Overlay District

SECTION 19.03.0102 ZONING DISTRICT MAPS

The location and boundaries of the districts established by this Ordinance are set forth in the Official Zoning Map, dated April 3, 2000 and as amended, which is incorporated herein and hereby made a part of this Ordinance. The Official Zoning Map, with everything shown thereon, and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

SECTION 19.03.0103 DISTRICT BOUNDARIES

When uncertainty exists with respect to boundaries of the various districts shown on the zoning maps, the following rules shall apply:

A. General Location of Zoning District Boundaries.

1. **Zoning Boundary Determination.** The zoning district boundaries are corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of street, highways, alleys, easements, and railroad rights-of-way or such lines extended; or stream unless otherwise shown. Distances not specifically shown on the Zoning Map shall be determined by the scale of the Zoning Map.
2. **Zoning Boundary Determination for Approximate Boundaries.** Where the designation of the Official Zoning Map shows that various zoning districts are approximately bounded by a street, alley, railroad, lot line, or stream, such lot line or the centerline of such street, alley, or railroad right-of-way, or centerline of the main channel of such stream, said approximate boundaries shall be construed to be the zoning district boundary line.
3. **Split Zoning of Newly Created Lots Not Allowed.** The split zoning of any newly created lot or parcel into more than one (1) zoning district shall not be allowed except as may be permitted when the HPO District; the FW, FF, and GFP Districts (under the provisions of Title 21 "Floodplain Zoning of the *Village of Grafton Municipal Code*); and, the shoreland-wetland district (under the provisions of Title 22 "Shoreland-Wetland Zoning of the *Village of Grafton Municipal Code*).

- B. **Zoning District Boundary Lines on Unsubdivided Property.** In un-subdivided property, the location of the zoning district boundary lines shown on the Official Zoning Map shall be determined by using the scale on such map or in the case of flood land boundaries shall be determined by using flood profiles and accompanying hydrologic and hydraulic engineering data, or shall be according to the dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be according to dimensions shown on the map from section, quarter-section, or division lines, or centerlines of streets, highways, or railroad rights-of-way unless otherwise shown.

SECTION 19.03.0104 ZONING OF STREETS, ALLEYS, PUBLIC-WAYS, WATERWAYS, AND RAILROAD RIGHTS-OF-WAY

All streets, alleys, public-ways, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zoning district as the property immediately abutting upon such alleys, streets, public-ways, waterways, and railroad rights-of-way. Where the centerline of a street, alley, public-way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SECTION 19.03.0105 ZONING OF ANNEXED LAND

Any additions to the incorporated area of the Village of Grafton, resulting from disconnections from incorporated areas in Ozaukee County, annexations from unincorporated areas in Ozaukee County, or otherwise, shall be automatically classified in the A-3 District on a temporary basis until otherwise classified by amendment. Upon annexation, the existing use of the annexed property shall be considered a permitted use until permanent zoning is established by the Village Board. All land annexed to the Village shall meet Village improvement standards as determined by the Village Board.

DIVISION 19.03.0200 RESIDENTIAL ZONING DISTRICTS

This Division sets forth detailed descriptions of the residential zoning districts and their respective dimensional and bulk regulations, requirements, and design standards. The various "Open Space Subdivision" options indicated within some residential zoning districts are "open space ratio," or OSR, driven. While the overall maximum gross density stays essentially the same within each residential zoning district for each option within a specific residential zoning district, as the minimum OSR increases the maximum permitted net density increases. Under the "Conventional Subdivision" and other options presented for each residential zoning district, the site intensity and capacity calculations, as well as the natural resource protection standards and guidelines set forth in Divisions 19.03.0500 and 19.04.0100 of this Ordinance, shall be followed. The residential zoning districts are generally organized into a residential density hierarchy.

SECTION 19.03.0201 R-RE RURAL ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-RE District is intended to provide for rural estate type housing on very large lots as set forth in the Village of Grafton Comprehensive Plan and components thereof. It preserves and enhances the rural estate character of the district and surrounding areas and the attractiveness associated with such areas. The R-RE District may also be used as a transitional district located between districts of higher and lower intensity levels such as the A-3 and R-E Districts. For existing lots of record with existing dwelling units located thereon and which lots of record and dwelling units are existing at the time of the adoption of this Ordinance, the R-RE District is intended to be served by on-site soil absorption sewage disposal systems, holding tanks, and/or private wells on an interim basis until such time as public sanitary sewer service and/or public water supply facilities are made available. Any lots created in the R-RE District after the adoption of this Ordinance shall be served by public sanitary sewer service and public water supply facilities if available.
- B. **District Standards.** The R-RE District is further intended to have the development standards as set forth in Table 19.03.0201. Those developments served by on-site sewage disposal systems must meet all requirements set forth under Section 19.02.0103(B)(3)(b) of this Ordinance.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0201

R-RE RURAL ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS

Type of Standard	Permitted Use "Conventional Subdivision"	Conditional Use "Open Space Subdivision"		
		Option 1	Option 2	Option 3
Minimum Open Space Ratio and Maximum Density				
Open Space Ratio (OSR)	0	0.65	0.73	0.81
Gross Density (GD)	0.294	0.300	0.297	0.293
Net Density (ND)	0.294	0.897	1.179	1.718
Lot Dimensional Requirements				
Minimum Lot Area (s.f.)	130,680	40,000	30,000	20,000
Minimum Lot Width at Setback Line (feet)	250	150	125 135-corner	100 110-corner
Minimum Front Yard (feet)	100	60	50	45
Minimum Side Yard (feet)	30	20	15	10
Minimum Side Yard on Corner Lot (feet)	75	45	40	35
Minimum Rear Yard (feet)	30	30	30	30
Minimum Shore Yard (feet)	75 (c)	75 (c)	75 (c)	75 (c)
Maximum Lot Coverage (maximum percent of lot area)	0.075	0.1	0.12	0.15
Minimum Total Living Area per Dwelling Unit (D.U.)				
1-Story D.U. □3 Bedrooms	1,600 s.f.	1,600 s.f.	1,600 s.f.	1,600 s.f.
1-Story D.U. >3 Bedrooms	250 s.f. (a)	250 s.f. (a)	250 s.f. (a)	250 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. □3 Bedrooms	1,900 s.f.-total 1,100-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height				
Principal Structure (stories/ft.)	2.5	2.5	2.5	2.5
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom greater than three (3)
- (b) Add to minimum required floor area for each dwelling unit that has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 1)
- (c) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code.

SECTION 19.03.0202 R-E ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-E District is intended to provide for low density single-family estate type housing on large lots as set forth in the Village of Grafton Comprehensive Plan and components thereof. The R-E District regulations are intended to preserve and enhance an estate character of surrounding areas and the attractiveness associated with such areas. The options in the R-E District promote open space and natural resource base protection. The R-E District is intended to be served by public sanitary sewer and water supply facilities if available.
- B. **District Standards.** The R-E District is further intended to have the development standards as set forth in Table 19.03.0202.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0202

R-E ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS

Type of Standard	Permitted Use "Conventional Subdivision"	Conditional Use "Open Space Subdivision"		
		Option 1	Option 2	Option 3
Minimum Open Space Ratio and Maximum Density				
Open Space Ratio (OSR)	0	0.24	0.47	0.57
Gross Density (GD)	0.897	0.891	0.892	0.902
Net Density (ND)	0.897	1.179	1.718	2.167
Lot Dimensional Requirements				
Minimum Lot Area (s.f.)	40,000	30,000	20,000	15,000
Minimum Lot Width at Setback Line (feet)	150	125 135-corner	100 110-corner	100 110-corner
Minimum Front Yard (feet)	60	50	45	40
Minimum Side Yard (feet)	20	15	10	10
Minimum Side Yard on Corner Lot (feet)	45	40	35	35
Minimum Rear Yard (feet)	30	30	30	30
Minimum Shore Yard (feet)	75 (c)	75 (c)	75 (c)	75 (c)
Maximum Lot Coverage (maximum percent of lot area)	0.10	0.12	0.15	0.20
Minimum Total Living Area per Dwelling Unit (D.U.)				
1-Story D.U. □3 Bedrooms	1,600 s.f.	1,600 s.f.	1,600 s.f.	1,600 s.f.
1-Story D.U. >3 Bedrooms	250 s.f. (a)	250 s.f. (a)	250 s.f. (a)	250 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. □3 Bedrooms	1,900 s.f.-total 1,100-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height				
Principal Structure (stories/ft.)	2.5	2.5	2.5	2.5
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom greater than three (3).
- (b) Add to minimum required floor area for each dwelling unit that has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 1)
- (c) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

SECTION 19.03.0203 R-1 SUBURBAN ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-1 District is intended to provide for the continuance of medium density single-family suburban estate lots as set forth in the Village of Grafton Comprehensive Plan and components thereof. It is further intended to be used to protect the character of building bulk in established suburban estate residential neighborhoods and subdivisions. The options in this district promote open space and natural resource base protection. The R-1 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The R-1 District is further intended to have the development standards as set forth in Table 19.03.0203.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0203

**R-1 SUBURBAN ESTATE SINGLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Conditional Use "Open Space Subdivision"		
		Option 1	Option 2	Option 3
Minimum Open Space Ratio and Maximum Density				
Open Space Ratio (OSR)	0	0.14	0.27	0.39
Gross Density (GD)	1.909	1.902	1.902	1.904
Net Density (ND)	1.909	2.215	2.623	3.165
Lot Dimensional Requirements				
Minimum Lot Area (s.f.)	18,000	15,000	12,500	10,000
Minimum Lot Width at Setback Line (feet)	100 110-corner	100 110-corner	90 100-corner	75 85-corner
Minimum Front Yard (feet)	40	35	35	30
Minimum Side Yard (feet)	8 / 10 one side	8 / 10 one side	8 / 10 one side	8 / 10 one side
Minimum Side Yard on Corner Lot (feet)	35	35	35	30
Minimum Rear Yard (feet)	30	30	30	25
Minimum Shore Yard (feet)	75 (c)	75 (c)	75 (c)	75 (c)
Maximum Lot Coverage (maximum percent of lot area)	0.15	0.2	0.25	0.30
Minimum Total Living Area per Dwelling Unit (D.U.)				
1-Story D.U. □3 Bedrooms	1,600 s.f.	1,600 s.f.	1,600 s.f.	1,600 s.f.
1-Story D.U. >3 Bedrooms	250 s.f. (a)	250 s.f. (a)	250 s.f. (a)	250 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. □3 Bedrooms	1,900 s.f.-total 1,100 s.f.-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor	1,900 s.f.-total 1,100 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
Maximum Building Height				
Principal Structure (stories/ft.)	2.5	2.5	2.5	2.5
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom greater than three (3)
- (b) Add to minimum required floor area for each dwelling unit that has a basement less than 600 s.f (Ord. 008, Series 2001, Part 1).
- (c) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code.

SECTION 19.03.0204 R-S SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-S District is established recognizing the importance of providing suburban size single-family residential areas and lots with larger minimum building bulk requirements than the R-2 District as set forth in the Village of Grafton Comprehensive Plan. The options in the R-S District promote open space and natural resource base protection. The R-S District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The R-S District is further intended to have the development standards as set forth in Table 19.03.0204.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0204

**R-S SUBURBAN SINGLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Conditional Use "Open Space Subdivision"	
		Option 1	Option 2
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0	0.14	0.30
Gross Density (GD)	2.190	2.195	2.197
Net Density (ND)	2.190	2.556	3.165
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	15,000	12,500	10,000
Minimum Lot Width at Setback Line (feet)	95 110-corner	90 105-corner	75 100-corner
Minimum Front Yard (feet)	35	30	30
Minimum Side Yard (feet)	10	10	10
Minimum Side Yard on Corner Lot (feet)	30	35	30
Minimum Rear Yard (feet)	30	30	25
Minimum Shore Yard (feet)	75 (a)	75 (a)	75 (a)
Maximum Lot Coverage (maximum percent of lot area)	0.20	0.25	0.30
Minimum Total Living Area per Dwelling Unit (D.U.)			
1-Story D.U. □3 Bedrooms	1,600 s.f.	1,600 s.f.	1,600 s.f.
1-Story D.U. >3 Bedrooms	250 s.f. (b)	250 s.f. (b)	250 s.f. (b)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (c)	250 s.f. (c)	250 s.f. (c)
Multi-Story D.U. □3 Bedrooms	1,900 s.f.-total 1,050 s.f.-1st floor	1,900 s.f.-total 1,050 s.f.-1st floor	1,900 s.f.-total 1,050 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (b)	100 s.f. (b)	100 s.f. (b)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (c)	250 s.f. (c)	250 s.f. (c)
Maximum Building Height			
Principal Structure (stories/ft.)	2.5	2.5	2.5
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

(a) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

(b) Add to minimum required floor area for each dwelling unit which has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 1)

(c) Add to minimum required building floor area for each bedroom in excess of three (3).

SECTION 19.03.0205 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-2 District is intended to permit the continuation of the existing pattern of residential development in a manner that is consistent with the Village of Grafton Comprehensive Plan and components thereof. The R-2 District is also intended to accommodate existing developed areas of the Village which have been zoned under earlier R-2 District zoning requirements. The R-2 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The R-2 District is further intended to have the development standards as set forth in Table 19.03.0205.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0205

**R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"
Minimum Open Space Ratio and Maximum Density	
Open Space Ratio (OSR)	0.00
Gross Density (GD)	3.165
Net Density (ND)	3.165
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	10,000
Minimum Lot Width at Setback Line (feet)	75 100-corner
Minimum Front Yard (feet)	30
Minimum Side Yard (feet)	6 / 10 one side
Minimum Side Yard on Corner Lot (feet)	30
Minimum Rear Yard (feet)	25
Minimum Shore Yard (feet)	75 (c)
Maximum Lot Coverage (maximum percent of lot area)	0.30
Minimum Total Living Area per Dwelling Unit (D.U.) (d)	
1-Story D.U. □3 Bedrooms	1,250 s.f.
1-Story D.U. >3 Bedrooms	250 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)
Multi-Story D.U. □3 Bedrooms	1,550 s.f.-total 950 s.f.-1 st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)
Maximum Building Height	
Principal Structure (stories/ft.)	2.5
Accessory Structure (stories/ft.)	1.0/15

(a) Add to minimum required building floor area for each bedroom in excess of three (3)

(b) Add to minimum required floor area for each dwelling unit which has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 1)

(c) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

(d) Lots which were developed with a residence as of the effective date of this Ordinance shall not be subject to 'Minimum Total Living Area per Dwelling Unit' requirements of this table.

SECTION 19.03.0206 R-3 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-3 District is intended to provide for single-family residential development on lots of record existing at the time of the adoption of the Ordinance codified under this title and already zoned in the R-3 District under the former zoning ordinance. The R-3 District is also intended for limited new development areas where small-lot single-family residential development is compatible with the recommendations of the Village of Grafton Comprehensive Plan and with the character of the surrounding area. The R-3 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The R-3 District is further intended to have the development standards as set forth in Table 19.03.0206.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0206

**R-3 URBAN SINGLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use-- Existing Subdivision	Permitted Use--New "Conventional Subdivision"
Minimum Open Space Ratio and Maximum Density		
Open Space Ratio (OSR)	0.00	0.00
Gross Density (GD)	4.471	3.806
Net Density (ND)	4.471	3.806
Lot Dimensional Requirements		
Minimum Lot Area (s.f.)	7,000	8,000
Minimum Lot Width at Setback Line (feet)	55 75-corner	70 80-corner
Minimum Front Yard (feet)	30	30
Minimum Side Yard (feet)	5 / 10 on one side for new lots	5 / 10 on one side for new lots
Minimum Side Yard on Corner Lot (feet)	15	30
Minimum Rear Yard (feet)	25	25
Minimum Shore Yard (feet)	75 (c)	75 (c)
Maximum Lot Coverage (maximum percent of lot area)	0.50	0.40
Minimum Total Living Area per Dwelling Unit (D.U.) (d)		
1-Story D.U. □3 Bedrooms	1,250 s.f.	1,250 s.f.
1-Story D.U. >3 Bedrooms	250 s.f. (a)	250 s.f. (a)
1-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)
Multi-Story D.U. □3 Bedrooms	1,550 s.f.-total 950 s.f.-1st floor	1,550 s.f.-total 950 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	100 s.f. (a)	100 s.f. (a)
Multi-Story D.U. if Basement is < 600 Square Feet	250 s.f. (b)	250 s.f. (b)
Maximum Building Height		
Principal Structure (stories/ft.)	2.5	2.5
Accessory Structure (stories/ft.)	1.0/15	1.0/15

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
- (b) Add to minimum required floor area for each dwelling unit which has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 1)
- (c) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code.
- (d) Lots which were developed with a residence as of the effective date of this Ordinance shall not be subject to 'Minimum Total Living Area per Dwelling Unit' requirements of this table.

SECTION 19.03.0207 R-4 DUPLEX/TOWNHOUSE RESIDENTIAL DISTRICT

- A. **District Intent.** The R-4 District is intended to establish and preserve two-family residential dwelling districts and low density townhouse areas in the Village. The R-4 District permits two-family and attached townhouse residential development in a manner that is consistent with the Village of Grafton Comprehensive Plan and components thereof. The R-4 District is further intended to provide affordable housing opportunities for moderate income residents, employees of local businesses, and residents on fixed incomes, and other persons preferring two-family residential and attached townhouse dwelling living. The development options in the R-4 District promote open space and natural resource base protection. The R-4 District may be used as a transitional district between the less dense single-family residential zoning districts and the higher density MFR-1, MFR-2, and multiple-family PUD Districts. The R-4 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The R-4 District is further intended to have the development standards as set forth in Table 19.03.0207. Attached dwelling units in the R-4 District shall not exceed six (6) dwelling units per structure.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0207

**R-4 DUPLEX/TOWNHOUSE RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"	Conditional Use "Open Space Subdivision"
		Option 1
Minimum Open Space Ratio and Maximum Density		
Open Space Ratio (OSR)	0	0.20
Gross Density (GD)	2.09 (a)	2.00 (a)
Net Density (ND)	2.09 (a)	2.569 (a)
Lot Dimensional Requirements		
Minimum Lot Area (s.f.)	15,000	12,000
Minimum Lot Width at Setback Line (feet)	115	100
Minimum Front Yard (feet)	40	30
Minimum Side Yard (feet)	13	10
Minimum Side Yard on Corner Lot (feet)	30	30
Minimum Rear Yard (feet)	25	25
Minimum Shore Yard (feet)	75 (d)	75 (d)
Maximum Lot Coverage (maximum percent of lot area)	0.30	0.35
Minimum Total Living Area per Dwelling Unit (D.U.) (d)		
1-Story D.U. □3 Bedrooms	1,150 s.f.	1,150 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (b)	150 s.f. (b)
1-Story D.U. if Basement is < 600 Square Feet	150 s.f. (c)	150 s.f. (c)
Multi-Story D.U. □3 Bedrooms	1,150 s.f.	1,150 s.f.
Multi-Story D.U. >3 Bedrooms	150 s.f. (c)	150 s.f. (c)
Multi-Story D.U. if Basement is < 600 Square Feet	150 s.f. (c)	150 s.f. (c)
Maximum Building Height		
Principal Structure (stories/ft.)	2.5	2.5
Accessory Structure (stories/ft.)	1.0/15	1.0/15

- (a) In terms of number of lots only. To arrive at maximum dwelling unit density, multiply the number indicated by two (2).
- (b) Add to minimum required building floor area for each bedroom in excess of three (3).
- (c) Add to minimum required floor area for each dwelling unit which has a basement less than 600 s.f. (ord. 008, Series 2001, Part 1)
- (d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code.
- (d) Lots which were developed with a residence as of the effective date of this Ordinance shall not be subject to 'Minimum Total Living Area per Dwelling Unit' requirements of this table.

SECTION 19.03.0208 R-5 SUBURBAN TWO-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-5 District is intended to preserve small lot existing two-family residential dwelling districts in the Village. The R-5 District permits two-family residential development in a manner that is consistent with the Village of Grafton Comprehensive Plan and components thereof. The R-5 District is further intended to provide affordable housing opportunities for moderate income residents, employees of local businesses, and residents on fixed incomes, and other persons preferring two-family residential dwelling living. The R-5 District is not intended to be used in any new areas of the Village or areas of the Village not designated within the R-5 District at the time of the adoption of the Ordinance codified under this title. The R-5 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The R-5 District is further intended to have the development standards as set forth in Table 19.03.0208.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0208

**R-5 SUBURBAN TWO-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"
Minimum Open Space Ratio and Maximum Density	
Open Space Ratio (OSR)	0
Gross Density (GD)	3.068 (a)
Net Density (ND)	3.068 (a)
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	10,000
Minimum Lot Width at Setback Line (feet)	85
Minimum Front Yard (feet)	30
Minimum Side Yard (feet)	8; however at least one (1) side yard shall be 10
Minimum Side Yard on Corner Lot (feet)	30
Minimum Rear Yard (feet)	25
Minimum Shore Yard (feet)	75 (d)
Maximum Lot Coverage (maximum percent of lot area)	0.30
Minimum Total Living Area per Dwelling Unit (D.U.) (e)	
1-Story D.U. □3 Bedrooms	1,150 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (b)
1-Story D.U. if Basement is < 600 Square Feet	150 s.f. (c)
Multi-Story D.U. □3 Bedrooms	1,150 s.f.
Multi-Story D.U. >3 Bedrooms	150 s.f. (b)
Multi-Story D.U. if Basement is < 600 Square Feet	150 s.f. (c)
Maximum Building Height	
Principal Structure (stories/ft.)	2.5
Accessory Structure (stories/ft.)	1.0/15

- (a) In terms of number of lots only. To arrive at maximum dwelling unit density, multiply the number indicated by two (2).
- (b) Add to minimum required building floor area for each bedroom in excess of three (3).
- (c) Add to minimum required floor area for each dwelling unit which has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 1)
- (d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.
- (e) Lots which were developed with a residence as of the effective date of this Ordinance shall not be subject to 'Minimum Total Living Area per Dwelling Unit' requirements of this table.

SECTION 19.03.0209 R-6 URBAN TWO-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The R-6 District is intended to preserve small lot, existing two-family residential dwelling districts in the Village. The R-6 District permits two-family residential development in a manner that is consistent with the Village of Grafton Comprehensive Plan and components thereof. The R-6 District is further intended to provide affordable housing opportunities for moderate income residents, employees of local businesses, and residents on fixed incomes, and other persons preferring two-family residential dwelling living. The R-6 District is not intended to be used in any undeveloped areas of the Village. This District is intended to be applied only to existing areas that either abut or contain an intermix or incompatible land uses and which may be in need of redevelopment and/or revitalization. The R-6 District shall only be applied to areas of development existing as of the effective date of the Ordinance codified in this title. The R-6 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The R-6 District is further intended to have the development standards as set forth in Table 19.03.0209.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.

Table 19.03.0209

**R-6 URBAN TWO-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use "Conventional Subdivision"
Minimum Open Space Ratio and Maximum Density	
Open Space Ratio (OSR)	0
Gross Density (GD)	3.86 (a)
Net Density (ND)	3.86 (a)
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	8,000
Minimum Lot Width at Setback Line (feet)	66
Minimum Front Yard (feet)	25
Minimum Side Yard (feet)	8; however at least one (1) side yard shall be 10
Minimum Side Yard on Corner Lot (feet)	30
Minimum Rear Yard (feet)	25
Minimum Shore Yard (feet)	75 (d)
Maximum Lot Coverage (maximum percent of lot area)	0.50
Minimum Total Living Area per Dwelling Unit (D.U.) (e)	
1-Story D.U. □3 Bedrooms	1,150 s.f.
1-Story D.U. >3 Bedrooms	150 s.f. (b)
1-Story D.U. if Basement is < 600 Square Feet	150 s.f. (c)
Multi-Story D.U. □3 Bedrooms	1,150 s.f.
Multi-Story D.U. >3 Bedrooms	150 s.f. (b)
Multi-Story D.U. if Basement is < 600 Square Feet	150 s.f. (c)
Maximum Building Height	
Principal Structure (stories/ft.)	2.5
Accessory Structure (stories/ft.)	1.0/15

- (a) In terms of number of lots only. To arrive at maximum dwelling unit density, multiply the number indicated by two (2).
- (b) Add to minimum required building floor area for each bedroom in excess of three (3).
- (c) Add to minimum required floor area and first floor area for each dwelling unit which has a basement less than 600 s.f.
- (d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.
- (e) Lots which were developed with a residence as of the effective date of this Ordinance shall not be subject to 'Minimum Total Living Area per Dwelling Unit' requirements of this table.

SECTION 19.03.0210 MFR-1 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The MFR-1 District is intended to establish and preserve medium density, multi-family residential districts in the Village. The MFR-1 District permits medium density, urban type, multi-family residential development in a way that is consistent with the Village of Grafton Comprehensive Plan and components thereof. Areas of open space are to be provided in the MFR-1 District. The MFR-1 District may be used as a transitional district between the less dense R-4, R-5, and R-6 Districts and other higher intensity commercial or institutional zoning districts with the provision of adequate landscape bufferyards. The MFR-1 District is the most dense of the residential district types. The MFR-1 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The MFR-1 District is further intended to have the development standards as set forth in Table 19.03.0210A.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.
- D. **Minimum Total Living Area Per Dwelling Unit in Multiple Family Dwellings.** Within the MFR-1 District, the minimum total living area for a one (1) bedroom dwelling unit in a multiple-family dwelling shall be six hundred fifty (650) square feet, with one hundred fifty (150) additional square feet required for each bedroom over one (1) bedroom. Dens, libraries, studies, or other similar rooms within a dwelling unit that can potentially be used as a bedroom shall be considered and counted as a bedroom.

Table 19.03.0210A

MFR-1 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS

Type of Standard	Permitted Use: Maximum Two Attached D.U.s (Two-Family Structures)	Permitted Use: Multiple- Family Attached Dwelling Units with More Than Two D.U.s per Structure	<i>Conditional Use:</i> Multiple-Family Attached Dwelling Units with More Than Two D.U.s per Structure
Minimum Open Space Ratio and Maximum Density			
Open Space Ratio (OSR)	0.00	0.25	0.35
Gross Density (GD)	5.00	8.00	11.00
Net Density (ND)	5.00	8.00	14.50
Lot Dimensional Requirements			
Minimum Lot Area (s.f.)	6,000 per D.U.	6,000 per D.U.	4,000 per D.U.
Minimum Lot Width at Setback Line (feet)	60 & 75-corner	125	125
Minimum Front Yard (feet)	25	30 (c)	35 (c)
Minimum Side Yard (feet)	10	20 (d)	20 (d)
Minimum Side Yard on Corner Lot (feet)	15	30	30
Minimum Rear Yard (feet)	25-D.U. & 10-garage	50	50
Minimum Shore Yard (feet)	75 (e)	75 (e)	75 (e)
Maximum Lot Coverage (maximum percent of lot area)	0.35	N/A	N/A
Minimum Total Living Area per Dwelling Unit (D.U.) in Single-Family and Two-Family Structures			
1-Story D.U. □3 Bedrooms	1,150 s.f.	N/A	N/A
1-Story D.U. >3 Bedrooms	150 s.f. (a)	N/A	N/A
1-Story D.U. if Basement is < 600 Square Feet	150 s.f. (b)	N/A	N/A
Multi-Story D.U. □3 Bedrooms	1,150 s.f.-total	N/A	N/A
Multi-Story D.U. >3 Bedrooms	150 s.f. (a)	N/A	N/A
Multi-Story D.U. if Basement is < 600 Square Feet	150 s.f. (b)	N/A	N/A
Maximum Building Height			
Principal Structure (stories/ft.)	2.5/30	3.0/45	3.0/45
Accessory Structure (stories/ft.)	1.0/15	1.0/15	1.0/15

(Ord. 008, Series 2001, Part 2)

N/A = NOT APPLICABLE

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
- (b) Add to minimum required floor area and first floor area for each D.U. which has a basement less than 600 s.f.
- (c) Plus one (1) additional foot for each two (2) feet more than thirty-five (35) feet of building height.
- (d) Plus five (5) additional feet for each additional story above two (2) stories of building height.
- (e) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

SECTION 19.03.0211 MFR-2 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- A. **District Intent.** The MFR-2 District is intended to establish and preserve low density, multi-family residential districts in the Village. The MFR-2 District permits low density, urban type, multi-family residential development in a way that is consistent with the Village of Grafton Comprehensive Plan and components thereof. Areas of open space are to be provided in the MFR-2 District. The MFR-2 District may be used as a transitional district between the less dense R-4 District, R-5, R-6, and other higher intensity MFR-1, commercial, or institutional zoning districts with the provision of adequate landscape bufferyards. The MFR-2 District is the least dense of the multiple-family residential district types. The MFR-2 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The MFR-2 District is further intended to have the development standards as set forth in Table 19.03.0211A.
- C. **Permitted, Accessory, and Conditional Uses.** See Section 19.03.0602, Division 19.03.0700, Section 19.03.0702, and Section 19.03.0802 of this Ordinance.
- D. **Minimum Total Living Area Per Dwelling Unit in Multiple Family Dwellings.** Within the MFR-2 District, the minimum total living area for a one (1) bedroom dwelling unit in a multiple-family dwelling shall be six hundred fifty (650) square feet, with one hundred fifty (150) additional square feet required for each bedroom over one (1) bedroom. Dens, libraries, studies, or other similar rooms within a dwelling unit that can potentially be used as a bedroom shall be considered and counted as a bedroom.

Table 19.03.0211A

**MFR-2 LOW DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Permitted Use: Maximum Two Attached D.U.s (Two-Family Structures)	<i>Conditional Use:</i> Multiple-Family Attached Dwelling Units with More Than Two D.U.s per Structure
Minimum Open Space Ratio and Maximum Density		
Open Space Ratio (OSR)	0.00	0.35
Gross Density (GD)	5.00	6.10
Net Density (ND)	5.00	8.00
Lot Dimensional Requirements		
Minimum Lot Area (s.f.)	6,000 per D.U.	6,000 per D.U.
Minimum Lot Width at Setback Line (feet)	60 & 75-corner	150
Minimum Front Yard (feet)	25	30 (c)
Minimum Side Yard (feet)	10	20 (d)
Minimum Side Yard on Corner Lot (feet)	15	30
Minimum Rear Yard (feet)	25-D.U. & 10-garage	50
Minimum Shore Yard (feet)	75 (e)	75 (e)
Maximum Lot Coverage (maximum percent of lot area)	0.35	N/A
Minimum Total Living Area per Dwelling Unit (D.U.) in Single-Family and Two-Family Structures		
1-Story D.U. □3 Bedrooms	1,150 s.f.	N/A
1-Story D.U. >3 Bedrooms	150 s.f. (a)	N/A
1-Story D.U. if Basement is < 600 Square Feet	150 s.f. (b)	N/A
Multi-Story D.U. □3 Bedrooms	1,150 s.f.-total	N/A
Multi-Story D.U. >3 Bedrooms	150 s.f. (a)	N/A
Multi-Story D.U. if Basement is < 600 Square Feet	150 s.f. (b)	N/A
Maximum Building Height		
Principal Structure (stories/ft.)	2.5/30	3.0/45
Accessory Structure (stories/ft.)	Not Permitted (attached garages are required)	1.0/15

N/A = NOT APPLICABLE

- (a) Add to minimum required building floor area for each bedroom in excess of three (3).
- (b) Add to minimum required floor area and first floor area for each D.U. which has a basement less than 600 s.f.
- (c) Plus one (1) additional foot for each two (2) feet more than thirty-five (35) feet of building height.
- (d) Plus five (5) additional feet for each additional story above two (2) stories of building height.
- (e) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

DIVISION 19.03.0300 NONRESIDENTIAL ZONING DISTRICTS

This Division sets forth detailed descriptions of the nonresidential zoning districts and their respective dimensional and bulk regulations, requirements, and design standards. The nonresidential zoning districts are generally grouped as follows: business districts, industrial districts, public and semi-public districts, agricultural districts, and special districts.

SECTION 19.03.0301 CBD CENTRAL BUSINESS DISTRICT

- A. **DISTRICT INTENT.** The CBD District is intended to provide for the continuation of the Village of Grafton's traditional central business district and to ensure the compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "heart" of the Village. In particular, these regulations are intended to preserve the historic buildings, the variety of building sizes and heights, various architectural styles and unique detailing. The existing commercial activities are of a general nature and have been characterized by on-street parking and loading and structures which abut the street right-of-way or have small setbacks, While it is intended that the existing businesses be continued at their present level of service, it is also intended that new buildings located in the CBD District--to the extent possible--be required to provide for off-street parking and loading areas. The CBD District is designed to prevent land and structures in the CBD District from becoming nonconforming as they would be if placed under different, more suburban-oriented, zoning classifications. The CBD District also provides for the minor infilling of vacant or redevelopment areas within the CBD District consistent with the established character of the "downtown." It is not intended to create additional CBD Districts of this type elsewhere in the community.

In general, the CBD Central Business District shall:

1. Be designed for "walkable" streets, while properly functioning for all traffic types.
2. Encourage pedestrian activities
3. Enhance user friendliness and safety for pedestrians.
4. Coordinate public streetscapes with private improvements.
5. Include buildings designed in individual or small groupings and shall be designed and sized in a manner that is architecturally, aesthetically and operationally harmonious with the surrounding area.

B. **CONDITIONS OF USE.**

Uses allowed in the CBD Central Business District are subject to the following conditions:

1. All business, servicing, processing, displays, and storage shall be conducted within completely enclosed buildings, except for the following: outdoor dining, produce or flower markets, the sale of gasoline, the sale of items of a seasonal nature including Christmas trees, bedding plants and shall shrubs when authorized by a Certificate of Zoning Compliance.
2. Outdoor storage is permitted only when it is screened from view. The required screening may be fencing, landscaping or walls and must be of sufficient height and density that the storage area is screened from view from the ground level up to a point seven (7) feet above the ground level of the adjoining street or property. No outside storage is permitted to rise above the screening.
3. Outdoor uses, including temporary uses, but not including storage areas, must be located wholly on private property, shall not impede pedestrian or vehicle circulation, and shall not eliminate or encroach upon required parking spaces unless the parking spaces are designated only for employee parking. In addition, no more than three of the required on-site parking spaces may be used and permits for off-site parking must be purchased prior to authorization of the outdoor use to replace the lost spaces. The Director of Planning and Development may waive the requirement for purchase of permits for off-site parking if documentation is submitted by the petitioner to demonstrate that adequate on-site parking exists to meet the needs of the business.

4. No manufacturing or assembling shall be permitted except as incidental to the business occupying the premises.
5. A certificate of zoning compliance must be obtained consistent with the provisions of this Code prior to any change of use, expansion of uses on a site and prior to the issuance of a building permit.
6. The uses and development shall be consistent with the Comprehensive Plan 2035.

C. PERMITTED USES

Permitted uses in the CBD Central Business District are listed in Table 19.03.0301.B. If an applicant demonstrates to the satisfaction of the Director of Planning and Development that a use that is not specifically listed in the Table 19.03.0301.B.(the Use Matrix) is consistent with the intent of the zoning district and is similar and compatible with the listed uses, the Director of Planning and Development may allow the new use. The Director of Planning and Development shall document all such decisions in writing, provide a copy of the decision to the Plan Commission for information and make a copy available for public review upon request.

D. CONDITIONAL USES

Conditional uses may be allowed consistent with the provisions of SECTION 19.03.0703 DETAILED STANDARDS FOR CONDITIONAL USES IN NONRESIDENTIAL DISTRICTS upon the granting of a conditional use permit for the specific use. Conditional Uses in the CBD Central Business District are set forth in Table 19.03.0301.B. (The Use Matrix).

E. DISTRICT STANDARDS.

The CBD District is further intended to have the development standards as set forth in Table 19.03.0301.A below.

Table 19.03.0301.A

CBD CENTRAL BUSINESS DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
<i>Landscape Surface Ratio and Floor Area Ratios</i>	
Minimum Landscape Surface Ratio (LSR)	0
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation	0
Maximum Gross Floor Area Ratio (GFAR)	4.00
Maximum Net Floor Area Ratio (NFAR)	4.00
<i>Lot Dimensional Requirements</i>	
Minimum Lot Area (s.f.)	None
Minimum Lot Width at Setback Line (feet)	25
Minimum Front Yard (feet)	0
Minimum Side Yard (feet)	0
Minimum Side Yard on Corner Lot (feet)	0
Minimum Rear Yard (feet)	0
Minimum Shore Yard (feet)	75 (a)
Minimum Total Living Area per Dwelling Unit (D.U.)	
Minimum Total Living Area per Dwelling Unit (D.U.)	Use Requirements for MFR-1 District (see Section 19.03.0210D)
<i>Maximum Building Height</i>	
Principal Structure (stories/ft.)	4.0/45
Accessory Structure (stories/ft.)	1.0/15

(a) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code.

F. SITE PLAN REVIEW

The unique character of the CBD Central Business District is reflected not only in the orientation of buildings and improvements as reflected on a traditional site plan, but also in the vertical orientation of buildings and the inter-relationship of buildings, landscaping, the streetscape and other features. In order to ensure the orderly development of properties within the CBD Central Business District in a manner consistent with the overall character of the District, all proposed development within the District shall be subject to the site plan and design review requirements of this subsection.

1. Application Requirements - All proposed developments within the CBD Central Business District, shall be subject to Site Plan and Downtown Design Review standards. In addition to the general application requirements, the following information shall be provided as part of the application:
 - a. Lot Area.
 - b. A site plan showing building foot prints, landscaped areas, locations of outdoor uses, parking areas and walkways.
 - c. A floor plan delineating the existing and proposed floor area.
 - d. Existing and proposed floor area ratio.
 - e. Existing and proposed number of dwelling units, if included.
 - f. Parking calculations showing the number of spaces required and the number of existing and proposed spaces. If parking requirements are to be met through a variance or Conditional Use Permit, this request must accompany the development application.
 - g. A narrative that explains how the proposed development meets the District Site Plan and Design Review Standards.
 - h. A traffic/parking study shall be submitted including, but not limited to, the following information: the volume of traffic that will be generated by the proposed uses, the traffic circulation patterns, a study of how ingress and egress to parking lots and drive thru facilities will enhance or impair pedestrian activity, and how existing streets will be impacted.
 - i. A description of the proposed uses of the building and information on any covenants or restrictions that will be placed on the development to ensure specific uses in the future.
 - j. A plan illustrating how the building and overall site can be adaptively reused in the future by an alternative use.
 - k. Such additional information as the Director of Community Development deems necessary to properly review the application.

G. DESIGN REVIEW STANDARDS

Development proposals for all properties in this district shall be designed to preserve and enhance the character and value of the district through the application of the following standards.

- a. Buildings should be of varying heights, roof lines and architectural styles, facades shall be detailed with windows and offsets of building elements, building setbacks, arcades, awnings and entryways to achieve a human scale and pedestrian friendly street edges.
- b. All elevations of the building visible from the streetscape or from adjacent residential neighborhoods, should be detailed to a consistent level.
- c. Architectural styles, building elements, proportions, massing, materials and detailing should be consistent with, and complimentary to, the overall historic character of the CBD Central Business District.
- d. Natural, high quality building materials should be used for the exterior of buildings.
- e. Landscape and streetscape treatments should include, but not be limited to burying utilities, screening all mechanical equipment, planting street trees, foundation plantings, street furniture, variety in building setbacks, pedestrian connections and open spaces where feasible and appropriate.

- f. Architectural design elements and landscaping should be incorporated to enhance the pedestrian nature and overall streetscape.
- g. Alleyways and pathways should be designed to support and encourage pedestrian use.
- h. In order to enhance the character of the District and promote the commercial vitality of the area, outdoor dining and gathering spaces, as well as other amenities that will promote evening activities, are encouraged and should be incorporated into developments. In order to encourage additional pedestrian activity to enhance the commercial vitality of the area, small spaces such as gardens and courtyards should be designed and incorporated into developments whenever possible.
- i. Retail uses should be located on the ground floor and residential uses above or below the ground floor.
- j. Landscaping and building design elements should be incorporated into development projects adjacent to residential districts to create a transition from commercial to residential development.

3. REVIEW OF PROPOSALS FOR DEVELOPMENT IN THE CBD CENTRAL BUSINESS DISTRICT

Review of development proposals for the CBD Central Business District shall be reviewed consistent with the procedures for all properties and with the requirements for site plan review set forth in Chapter 19, Part Six Required Plans and Part Seven, Section 19.07.0103 Applications for Conditional Use Permit of the Village of Grafton zoning ordinance

**Table 19.03.0301.B.
USE MATRIX – CBD CENTRAL BUSINESS DISTRICT**

PERMITTED USES
Antique Stores
Art Supply Stores
Art Galleries and Studios, but not auction houses
Bakeries, Retail
Barber shops and beauty salons
Bookstores, magazine and newspaper stores
Business Service Centers
Business Offices
Camera and Photo supply stores
Clothing Stores
Coffee shops and Coffee Houses
Custom Dressmaking and tailoring shops
Candy, Ice Cream and Confectionery Stores
Catering Facilities
Delicatessens and Meat Markets
Dry cleaner, drop off/pick up only
Florists, retail.
Fruit and vegetable stores.
Health and Natural Food Stores
Gift, Stationery, Variety and Hobby and Craft Stores
Insurance Offices
Interior Decorator Shops
Jewelry Stores
Locksmiths
Music Stores
Optical Stores
Paint and Wallpaper stores
Pharmacies/Drug Stores without drive up windows
Photography Studios
Professional Offices and studios
Radio and Television stores
Real Estate Offices
Shoe stores and shoe repair shops
Sporting Goods Stores, rental and service shops
Travel Agencies

**Table 19.03.0301.B.
CONDITIONAL USES**

Banks, Credit Unions and retail brokerage houses without drive up facilities
Banquet Facilities with adequate parking
Bars and Taverns
Child Care facilities
Coffee Roasting
Continuing and Adult education facilities
Copy Centers, retail
Day spas
Dry cleaner, full service with on-site treatment
Hotels and Motels
Hardware Stores
Medical and Dental offices
Microbreweries, soft drink production and wineries
Tattoo and body piercing establishment
Tobacco shops
Tourist rooming house
Packaged Beverage stores
Pawn Shops
Recreational Facilities, Family
Restaurants without a drive-thru
Schools, music, dance, commercial
Veterinary Clinics without boarding facilities

19.03.0301 / Ord. 008, Series 2014, Part 1.

19.03.0301 / Ord. 001, Series 2010, Part 1.

SECTION 19.03.0302 C-1 NEIGHBORHOOD BUSINESS DISTRICT

- A. **District Intent.** The C-1 District is intended to establish and preserve areas for commercial facilities for the convenience of persons residing in nearby residential areas and is, thus, limited in its functions to accommodating the basic day-to-day shopping and service needs of the residents living in the adjacent areas. Buildings constructed in the C-1 District may be clustered on parcels of land under individual or multiple ownership. The C-1 District provides for an arrangement of retail trade establishments that are compatible in function and operation. The C-1 District is intended to be compatible with surrounding land uses of a lesser intensity. The C-1 District is further intended to minimize the potential undesirable impacts of such commercial uses on the surrounding residential neighborhoods which they serve. The C-1 District is generally located away from the Village's central business district and provides amenities such as increased open space and off-street parking and loading facilities to make the commercial uses more compatible with the character of adjacent residential districts. The character of the C-1 District is pedestrian-oriented. The C-1 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The C-1 District is further intended to have the development standards as set forth in Table 19.03.0302.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0302

C-1 NEIGHBORHOOD BUSINESS DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.45 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.35
Maximum Gross Floor Area Ratio (GFAR)	0.22 (a)
Maximum Net Floor Area Ratio (NFAR)	0.40 (a)
Lot Dimensional Requirements	
Minimum District Area (acres)	2 (d)
Minimum Lot Area (s.f.)	10,000 (c)
Minimum Lot Width at Setback Line (feet)	80 (c)
Minimum Front Yard (feet)	30 (b,e)
Minimum Side Yard (feet)	10 (b,e)
Minimum Side Yard on Corner Lot (feet)	30 (b,e)
Minimum Rear Yard (feet)	25 (b)
Minimum Shore Yard (feet)	75 (f)
Minimum Total Living Area per Unit (D.U.)	
Minimum Total Living Area per Unit (D.U.)	Use Requirements for MFR-1 District (see Section 19.03.0210D)
Maximum Building Height	
Principal Structure (stories/ft.)	2.0/35
Accessory Structure (stories/ft.)	1.0/15

- (a) For commercial apartments that may be permitted on a second level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.
- (b) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.
- (c) Restaurants require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
- (d) As indicated on the Village of Grafton Comprehensive Plan or Village of Grafton zoning map.
- (e) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than six (6) feet from any side or rear lot line except where shared access or parking is permitted by the Plan Commission. (Ord. 008, Series 2001, part 3).
- (f) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

SECTION 19.03.0303 C-2 COMMUNITY BUSINESS DISTRICT

- A. **District Intent.** The C-2 District is intended and designed to accommodate the needs of a much larger consumer population than served by the C-1 District. The C-2 District is intended to provide for relatively large groupings of retail sales and customer service establishments which offer a wide range of goods and services in a community-serving shopping area. It is further intended that the C-2 District be applied in locations which abut or front, and have access to, either directly or via frontage roads, heavily traveled major arterial roadways. While the C-2 District is also intended to be vehicular traffic oriented, vehicular access points are intended to be limited and the C-2 District is not intended to foster the design of "strip" shopping areas. The C-2 District is characterized by business establishments that have on-site parking for customer automobiles combined with a pedestrian-oriented shopping environment. Buildings constructed in the C-2 District may be clustered on parcels of land under individual or multiple ownership. The C-2 District is intended to provide for an arrangement of retail trade establishments which are compatible in function and operation. The various other requirements of the C-2 District are established to increase its compatibility with surrounding areas consistent with the Village of Grafton Comprehensive Plan and components thereof. The C-2 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The C-2 District is further intended to have the development standards as set forth in Table 19.03.0303.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.
- D. **Outdoor Display and Sale of Merchandise.**
1. General Display of Merchandise
 - a. Definition: Point-of-purchase displays for any type of man-made merchandise for the purpose of display and sale including firewood, ice boxes, and propane tank enclosures.
 - b. Standards:
 - i. Shall not require Plan Commission site plan review.
 - ii. Shall be located within 15 feet of the main customer entrance.
 - iii. Shall occupy no more than 60 square feet and shall not exceed eight feet high.
 - iv. Propane tanks may be stored outside the premises in locked metal enclosures which are inaccessible to the general public without the assistance of an employee. Said propane enclosure shall meet the requirements of National Fire Protection Association (NFPA) 58 and are subject to the review of the Grafton Fire Department. These enclosures shall be painted as a neutral color or a color than blends with the architectural materials of the building, shall be located within 10 feet of the principal structure, and shall occupy a space of no greater than 200 cubic feet.
 - v. Any such display shall be neatly stacked and maintained at all times. Unmaintained or unorganized areas shall be deemed in violation of this section and subject to possible penalty.
 - vi. Merchandise signage shall be limited to signs that are no more than two square feet.
 - vii. Vending machines for purposes of selling merchandise including, but not limited to, beverages, candy, food, movies, toys, etc, are not allowed.
 - viii. Shall not block vehicular or pedestrian ingress and egress including entrances and/or exits to a site or building.
 - ix. All outdoor display areas are subject to the review and approval of the Director of Planning and Development based on, but not limited to, criteria such as aesthetic appeal, relationship to the architecture of the primary structure, general placement/location, traffic and safety issues, operational aspects, and maintenance.
 2. Seasonal Display of Merchandise
 - a. Definition: Decorative point-of-purchase displays for seasonal organic (i.e., not man-made) materials having a seasonal theme or orientation such as plants, pumpkins, wreaths, and holiday decorations but excluding organic materials in bags (e.g., garden soil, salt, sand).
 - b. Standards:
 - i. Shall require Plan Commission site plan review. If approved, the conditions of approval shall include a schedule for when seasonal displays will be set up and removed.

- ii. Shall occupy no more than 33 percent of the length of the individual store frontage and shall not exceed eight feet high. For multi-tenant centers, the seasonal display area allotment per store may not be shared or combined between stores.
- iii. Merchandise shall be attractively displayed. Pallets may be used if edges are fully concealed. Unmaintained or unorganized areas shall be deemed in violation of this section and subject to possible penalty.
- iv. Merchandise signage shall be limited to signs that are no more than two square feet.
- v. Display racks and other equipment shall be stored inside when not in use.
- vi. Merchandise displays shall not block vehicular or pedestrian ingress and egress including entrances and/or exits to a site or building. A pedestrian walkway between the outside edge of the display area and vehicular traffic area shall be required.
- vii. All outdoor display areas are subject to the review and approval of the Director of Planning and Development based on, but not limited to, criteria such as aesthetic appeal, relationship to the architecture of the primary structure, general placement/location, traffic and safety issues, operational aspects, and maintenance.
- viii. Temporary Outdoor Sales Operation. Activities defined as General Display of Merchandise and Seasonal Display or Merchandise shall not be considered a Temporary Outdoor Sales Operation. See Section 19.03.0804 (A) for Temporary Outdoor Sales Operation regulations.

Table 19.03.0303

C-2 COMMUNITY BUSINESS DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.25
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.20
Maximum Gross Floor Area Ratio (GFAR)	0.30
Maximum Net Floor Area Ratio (NFAR)	0.40
Lot Dimensional Requirements	
Minimum Zoning District Area (acres)	10 (a)
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	30 (b,d)
Minimum Side Yard (feet)	15 (b,d)
Minimum Side Yard on Corner Lot (feet)	30 (b,d)
Minimum Rear Yard (feet)	30 (b)
Minimum Shore Yard (feet)	75 (c)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/15

- (a) As indicated on the Village of Grafton Comprehensive Plan or Village of Grafton zoning map.
- (b) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways
- (c) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.
- (d) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than six (6) feet from any side or rear lot line. except where shared access or parking is permitted by the Plan Commission. (Ord. 008, Series 2001, Part 3)

SECTION 19.03.0304 C-3 COMMERCIAL SERVICE BUSINESS DISTRICT

- A. **District Intent.** The C-3 District is intended to accommodate commercial activities which may be incompatible with other types of commercial activities because of operational characteristics and site requirements. The permitted uses in the C-3 District may have a service area larger than a neighborhood or community. The C-3 District is further intended to provide for the orderly and attractive development and grouping, in appropriate and convenient locations, of small-lot business activities of a general nature. Such businesses shall provide adequate on-site parking and loading areas. The various requirements of the C-3 District are established to increase its compatibility with surrounding uses consistent with the Village of Grafton Comprehensive Plan. The C-3 District is intended to be served by public sanitary sewer and water supply facilities.

- B. **District Standards.** The C-3 District is further intended to have the development standards as set forth in Table 19.03.0304

- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0304

C-3 COMMERCIAL SERVICE BUSINESS DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.25
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.20
Maximum Gross Floor Area Ratio (GFAR)	0.30
Maximum Net Floor Area Ratio (NFAR)	0.40
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	30,000 (a)
Minimum Lot Width at Setback Line (feet)	100 (a)
Minimum Front Yard (feet)	30 (b,d)
Minimum Side Yard (feet)	15 (b,d)
Minimum Side Yard on Corner Lot (feet)	30 (b,d)
Minimum Rear Yard (feet)	30 (b)
Minimum Shore Yard (feet)	75 (c)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/15

(a) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.

(b) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.

(c) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

(d) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than six (6) feet from any side or rear lot line, except where shared access or parking is permitted by the Plan Commission. (Ord. 008, Series 2001, Part 3).

SECTION 19.03.0304-A C-3 COMMERCIAL SERVICE BUSINESS DISTRICT ELEVENTH AVENUE AND GREEN BAY OVERLAY

- A. **District Intent.** The intent of the C-3 Commercial Service Business District Eleventh Avenue and Green Bay Road Overlay is to convey legal conforming status to the existing properties and structures, and any approved expansion thereof, located at 1002 Eleventh Avenue and 979 North Green Bay Road.
- B. **District Standards.** The C-3 Commercial Service Business District Eleventh Avenue and Green Bay Road Overlay is further intended to have the development standards as set forth in Table 19.03.0304A.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0304A

C-3 COMMERCIAL SERVICE BUSINESS DISTRICT ELEVENTH AVENUE AND GREEN BAY ROAD OVERLAY DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	10 %
Alternative Minimum Landscape Surface Ratio (LSR)	10 %
Maximum Gross Floor Area Ratio (GFAR)	58 %
Maximum Net Floor Area Ratio (NFAR)	58 %
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	23,000 Sq Ft
Minimum Lot Width at Setback Line (feet)	100 Ft
Minimum Front Yard (feet)	16 Ft
Minimum Side Yard (feet)	13 Ft
Minimum Side Yard on Corner Lot (feet)	22 Ft
Minimum Rear Yard (feet)	20 Ft
Minimum Shore Yard (feet)	N/A
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/15

(a) Properties zoned C-3 Commercial Service Business District Eleventh Avenue and Green Bay Road Overlay do not have to meet the minimum requirements of Section 19.05.0305, General Bufferyard requirements

(Ord. 029, Series 2008)

SECTION 19.03.0305 C-4 FREEWAY INTERCHANGE BUSINESS DISTRICT

- A. **District Intent.** The C-4 District is intended to accommodate business establishments located exclusively within 1/4-mile of IH-43 or as otherwise recommended in the Village's Comprehensive Plan or components. The C-4 District is not intended to be used in any other area of the Village of Grafton. The C-4 District is further established to accommodate a wide-range of retail business and complementary uses to serve a regional trade area reaching out several miles or more and embracing a large segment of an urban, suburban, and rural region including areas located outside the Village of Grafton, its immediate surrounding municipalities, and Ozaukee County. The C-4 District is characterized by business establishments that have on-site parking for customer automobiles. Buildings constructed in the C-4 District can be clustered on parcels of land under individual or multiple ownership. The C-4 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The C-4 District is further intended to have the development standards as set forth in Table 19.03.0305.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.
- D. **Sign Standards.** See Title 20 titled "Signs and Exterior Lighting" of the Village of Grafton Municipal Code for special provisions and requirements for signs located in the C-4 District.
- E. **General Outdoor Storage and Display of Merchandise.** Except as provided herein, the outdoor storage or display of merchandise in the C-4 District shall not be permitted including any ice storage or vending boxes, and/or vending machines. Point-of-purchase displays or merchandise occupying no more than a total of thirty (30) cubic feet may be placed within five (5) feet of the front entrance to the premise. Any such display shall be neatly stacked and maintained. Additionally, propane tanks may be stored outside the premises in locked, metal enclosures which are inaccessible to the general public without the assistance of an employee. Said enclosure to meet the requirements of National Fire Protection Association (NFPA) 58. Such enclosures shall be painted in a neutral color, shall be located within five (5) feet of the principal structure, and shall occupy a space of no greater than two-hundred (200) cubic feet.
- F. **Garden Center Seasonal Outdoor Display of Merchandise**
1. Definition: Decorative point-of-purchase displays solely associated with an enclosed garden center (existing as of September 5, 2017 for spring, summer, and fall organic (i.e., not man-made) materials such as flowers and vegetable plants but excluding organic materials in bags (e.g., garden soil, mulch) and Christmas trees.
 2. Standards:
 - i. The seasonal display shall require Plan Commission site plan review. If approved, the conditions of approval shall include a schedule for when seasonal displays will be set up and removed.
 - ii. The exact location, area, and height of the seasonal display shall be determined by the Plan Commission through the site plan review process. However, the display shall be proportionate to the associated garden center area and in no case shall the display occupy more than 750 square feet or exceed eight feet high.
 - iii. Merchandise shall be attractively displayed. Pallets may be used if edges are fully concealed. Unmaintained or unorganized areas shall be deemed in violation of this section and subject to possible penalty.
 - iv. Merchandise signage shall be limited to signs that are no more than two square feet.
 - v. Display racks and other equipment shall be stored inside when not in use.
 - vi. Merchandise displays shall not block emergency, vehicular, or pedestrian ingress and egress including entrances and/or exits to a site or building. A pedestrian walkway between the outside edge of the display area and vehicular traffic area shall be required.
 - vii. All outdoor display areas are subject to the review and approval of the Director of Planning and Development based on, but not limited to, criteria such as aesthetic appeal, relationship to the architecture of the primary structure, general placement/location, traffic and safety issues, operational aspects, and maintenance.
- G. **Screening of All Loading Docks, Storage, and Garbage or Waste Facilities.** All loading docks, storage, and garbage or waste facilities in the C-4 District shall be screened from view and fully enclosed within

masonry walls eight (8) feet in height. Masonry materials shall be compatible with the materials on the front building wall of the main building. Under no circumstances, however, shall such requirements be less than those specified elsewhere in this Ordinance. In addition, the requirements of Section 19.03.0803(H) of this Ordinance shall be met.

Table 19.03.0305

**C-4 FREEWAY INTERCHANGE BUSINESS DISTRICT
DEVELOPMENT STANDARDS**

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.35 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.29 (a,f)
Maximum Net Floor Area Ratio (NFAR)	0.45 (a,f)
Lot Dimensional Requirements	
Minimum Contiguous Zoning District Area (ac.)	10
Minimum Lot Area (square feet)	40,000 (b)
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	40 (c,d)
Minimum Side Yard (feet)	15 (c,d)
Minimum Side Yard on Corner Lot (feet)	40 (c,d)
Minimum Rear Yard (feet)	30 (c)
Minimum Shore Yard (feet)	75 (e)
Maximum Building Height	
Principal Structure (stories/feet)	5.0/60
Accessory Structure (stories/feet)	1.0/25

- (a) The minimum required landscape surface ratio (LSR) may be reduced by 0.05 and GFAR increased by 0.05 if primary access to the property is afforded by a single access drive shared with an abutting property. Proof of grant of such access easement(s) shall be provided to the Village.
- (b) For all land uses, except restaurants, the minimum lot size may be reduced to 30,000 if primary access to the property is afforded by a single access drive shared with an abutting property. Proof of the grant of such access easement(s) shall be provided to the Village.
- (c) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.
- (d) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than six (6) feet from any side or rear lot line, except where shared access or parking is permitted by the Plan Commission. (Ord. 008, Series 2001, Part 3).
- (e) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.
- (f) The maximum gross floor area ratio (GFAR) may be increased by 0.03 for every story over two stories. Maximum net floor area ratio (NFAR) may be increased by 0.06 for every story over two stories.

SECTION 19.03.0306 O OFFICE DISTRICT

- A. **District Intent.** The O District is established and intended to provide for the orderly and attractive development and grouping of professional office, financial office, or other office-related activities, in appropriate and convenient locations. Such businesses are intended to provide adequate on-site parking areas. The character, appearance, and operation of uses in the O District are intended to be compatible with the character of the surrounding area. The requirements of the O District are established to increase its compatibility with the character of the Village as set forth in the Village of Grafton Comprehensive Plan and components thereof. The O District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The O District is further intended to have the development standards as set forth in Table 19.03.0306.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0306

O OFFICE DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.30 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.25
Maximum Gross Floor Area Ratio (GFAR)	0.45 (a)
Maximum Net Floor Area Ratio (NFAR)	0.65 (a)
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	20,000 (c)
Minimum Lot Width at Setback Line (feet)	100 (c)
Minimum Front Yard (feet)	30 (b,d)
Minimum Side Yard (feet)	15 (b,d)
Minimum Side Yard on Corner Lot (feet)	30 (b,d)
Minimum Rear Yard (feet)	30 (b)
Minimum Shore Yard (feet)	75 (e)
Minimum Total Living Area per Dwelling Unit (D.U.)	
Minimum Total Living Area per Dwelling Unit (D.U.)	Use Requirements for MFR-1 District (see Section 19.03.0210D)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/40
Accessory Structure (stories/ft.)	1.0/15

- (a) For commercial apartments which may be permitted on a second and/or third level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.35; the maximum gross floor area ratio (GFAR) shall be 0.42; and the maximum net floor area ratio (NFAR) shall be 0.65.
- (b) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.
- (c) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.
- (d) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than six (6) feet from any side or rear lot line, except where shared access or parking is permitted by the Plan Commission. (Ord. 008, Series 2001, Part 3).
- (e) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code.

SECTION 19.03.0307 BP BUSINESS PARK DISTRICT

- A. **District Intent.** The BP District is intended to provide for the development of the attractive grouping of office, light manufacturing, light industrial development uses, and limited ancillary service uses in a campus setting which serve the needs of the occupants of the BP District. Uses in the BP District are intended to be of a limited intensity and would provide an aesthetically-pleasing, well-landscaped environment. The BP District is further intended to provide for ample off-street parking and loading areas and landscape planting and screening of adjacent land uses of a lower intensity. The BP District is further intended to be applied to those areas of the Village identified for business park development by the adopted Village of Grafton Comprehensive Plan and components thereof. The BP District is also intended to accommodate those industrial or business parks under unified design and ownership. The area and bulk requirements of the BP District are intended to permit moderate intensity development in such a manner that enhances and protects the character of the Village. Because of their high trip generation rates, the BP District is intended to be located adjacent to arterial streets and highways. The BP District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The BP District is further intended to have the development standards as set forth in Table 19.03.0307.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.
- D. **Sign Standards.** See Title 20 titled "Signs and Exterior Lighting" of the Village of Grafton Municipal Code for special provisions and requirements for signs located in the BP District.

Table 19.03.0307

BP BUSINESS PARK DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.35
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.40
Maximum Gross Floor Area Ratio (GFAR)	0.39 (a)
Maximum Net Floor Area Ratio (NFAR)	0.71 (a)
Lot Dimensional Requirements	
Minimum District Area (acres)	20
Minimum Lot Area (s.f.)	40,000
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	50 (b,c)
Minimum Side Yard (feet)	20 (b,c)
Minimum Side Yard on Corner Lot (feet)	50 (b,c)
Minimum Rear Yard (feet)	40 (b)
Minimum Shore Yard (feet)	75 (d)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/36 (e)
Accessory Structure (stories/ft.)	1.0/15

(a) For warehousing uses, the maximum gross floor area ratio (GFAR) shall be 0.81; and the maximum net floor area ratio (NFAR) shall be 1.48.

(b) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.

(c) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required street yard setback, except that where a lot abuts three (3) or more public streets, this requirement shall only apply within two (2) street yard setback areas as selected by the Plan Commission. No off-street parking area or drive is allowed to be closer than six (6) feet from any other lot line. except where shared access or parking is permitted by the Plan Commission. (Ord. 010, Series 2002, Part 2; Ord. 008, Series 2001, Part 3).

(d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

(e) The maximum building height may be increased to a maximum of five (5) stories, or sixty (60) feet, if a Conditional Use Permit is granted by the Village.

SECTION 19.03.0308 M-1 INDUSTRIAL DISTRICT

- A. **District Intent.** The M-1 District is intended to provide for manufacturing, industrial, warehousing, and ancillary uses of a limited nature and size in locations where the relative proximity to other uses of a lesser intensity and, therefore, requiring more restrictive regulation than some of the other nonresidential zoning districts. The M-1 District may be used to accommodate existing scattered uses of an industrial nature so as not to make them nonconforming uses. The M-1 District is not intended to accommodate industrial or business parks under unified design and ownership. The M-1 District is intended to provide for industrial development on existing lots of record existing at the time of the adoption of the Ordinance codified under this title and already zoned in the M-1 District or for existing lots of record existing at the time of the adoption of the Ordinance and which abut existing M-1 District lots. The various requirements of the M-1 District are established to increase its compatibility with the character of the Village as set forth in the Village of Grafton Comprehensive Plan and components thereof. The area and bulk requirements of the M-1 District are intended to permit moderate intensity development in such a manner that enhances and protects the character of the Village. The M-1 District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The M-1 District is further intended to have the development standards as set forth in Table 19.03.0308.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0308

M-1 INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.25
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.20
Maximum Gross Floor Area Ratio (GFAR)	0.66
Maximum Net Floor Area Ratio (NFAR)	0.88
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	20,000
Minimum Lot Width at Setback Line (feet)	100
Minimum Front Yard (feet)	30 (a)
Minimum Side Yard (feet)	10 (a)
Minimum Side Yard on Corner Lot (feet)	30 (a)
Minimum Rear Yard (feet)	30 (a)
Minimum Shore Yard (feet)	75 (b)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/15

(a) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.

(b) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the Village of Grafton Municipal Code.

SECTION 19.03.0309 PID PLANNED INDUSTRIAL DISTRICT

- A. **District Intent.** The PID District is intended to be developed according to a detailed site development plan to provide for manufacturing plants, distribution warehouses, research facilities, offices, and similar uses. The PID District is intended to accommodate a community of industries, provide those industries with the necessary utilities and services in an attractive setting to preserve the value of property, protect the land development investment, provide primary employment, and to assure a harmonious relationship between the industrial and industrial-related uses and their surrounding areas. Sites in the PID District are also intended to provide ample off-street parking, setbacks, loading areas, and landscaped bufferyards. The PID District is also intended to accommodate those industrial and industrial-related uses under unified design control and/or ownership. The various requirements of the PID District are established to increase its compatibility with the character of the Village as set forth in the Village of Grafton Comprehensive Plan and components thereof. The PID District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The PID District is further intended to have the development standards as set forth in Table 19.03.0309.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.
- D. **Sign Standards.** See Title 20 titled "Signs and Exterior Lighting" of the Village of Grafton Municipal Code for special provisions and requirements for signs located in the PID District.

Table 19.03.0309

PID PLANNED INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.30
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.25
Maximum Gross Floor Area Ratio (GFAR)	0.61 (a)
Maximum Net Floor Area Ratio (NFAR)	0.88 (a)
Lot Dimensional Requirements	
Minimum District Area (acres)	20
Minimum Lot Area (s.f.)	43,560
Minimum Lot Width at Setback Line (feet)	150
Minimum Front Yard (feet)	30 (b,c)
Minimum Side Yard (feet)	20 (b,c)
Minimum Side Yard on Corner Lot (feet)	30 (b,c)
Minimum Rear Yard (feet)	30 (b)
Minimum Shore Yard (feet)	75 (d)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/45
Accessory Structure (stories/ft.)	1.0/15

(a) For warehousing uses, the maximum gross floor area ratio (GFAR) shall be 0.81; and the maximum net floor area ratio (NFAR) shall be 1.48.

(b) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways except that building setbacks when abutting STH 60 shall be a minimum of one-hundred (100) feet from the STH 60 right-of-way line.

(c) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than six (6) feet from any side or rear lot line, except where shared access or parking is permitted by the Plan Commission. (Ord. 008, Series 2001, Part 3).

(d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

SECTION 19.03.0310 I INSTITUTIONAL DISTRICT

- A. **District Intent.** The I District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public, or quasi-public purpose, is anticipated to be permanent. The I District is further intended to apply to those lands where existing or proposed federal, state, or local government activities are conducted, and to major public and private educational, religious, and other nonprofit organization facilities. The various requirements of the I District are established to increase its compatibility with the character of the Village as set forth in the Village of Grafton Comprehensive Plan and components thereof. The area and bulk requirements of the I District are intended to permit moderate intensity development in such a manner that enhances and protects the character of the Village. The I District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** The I District is further intended to have the development standards as set forth in Table 19.03.0310.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0310

I INSTITUTIONAL DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.40 (a)
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.30
Maximum Gross Floor Area Ratio (GFAR)	0.39 (a)
Maximum Net Floor Area Ratio (NFAR)	0.65 (a)
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	15,000 (b)
Minimum Lot Width at Setback Line (feet)	100 (b)
Minimum Front Yard (feet)	30 (c)
Minimum Side Yard (feet)	15 (c)
Minimum Side Yard on Corner Lot (feet)	30 (c)
Minimum Rear Yard (feet)	30 (c)
Minimum Shore Yard (feet)	75 (d)
Minimum Total Living Area per Dwelling Unit (D.U.)	
Minimum Total Living Area per Dwelling Unit (D.U.)	Use Requirements for MFR-1 District (see Section 19.03.0210D)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/40
Accessory Structure (stories/ft.)	1.0/15 (e)

(a) For commercial apartments that may be permitted on a second level only, the minimum landscape surface ratio (LSR) for the entire site shall be 0.50; the maximum gross floor area ratio (GFAR) shall be 0.37; and the maximum net floor area ratio (NFAR) shall be 0.74.

(b) Restaurants shall require a minimum of 40,000 square feet with a minimum lot width of 150 feet.

(c) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.

(d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

(e). Except for accessory structures for public works facilities, which may be increased to a maximum height of thirty-two (32) feet upon Plan Commission approval. (Ord. 009, Series 2009)

SECTION 19.03.0311 PR PARK AND RECREATION DISTRICT

- A. **District Intent.** The PR District is intended to provide for areas where the park and recreational needs, both public and private, of the populace can be met without undue disturbance of natural resources and uses of other adjacent zoning districts. The PR District is further intended to include both public and private open space (including stormwater retention/detention areas) and recreation facilities. The various requirements of the PR District are established to increase the compatibility of park and recreational uses with the character of the Village as set forth in the Village of Grafton Comprehensive Plan and components thereof. The area and bulk requirements of the PR District are intended to permit development that enhances and protects the open space character of the PR District. The PR District is intended to be served by public sanitary sewer and water supply facilities.
- B. **District Standards.** This PR District is further intended to have the development standards as set forth in Table 19.03.0311.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0311

PR PARK AND RECREATION DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	0.50
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	0.45
Maximum Gross Floor Area Ratio (GFAR)	0.29 (a)
Maximum Net Floor Area Ratio (NFAR)	0.58 (a)
Lot Dimensional Requirements	
Minimum Lot Area (s.f.)	20,000 (a)
Minimum Lot Width at Setback Line (feet)	100 (a)
Minimum Front Yard (feet)	50 (b,c)
Minimum Side Yard (feet)	20 (b,c)
Minimum Side Yard on Corner Lot (feet)	50 (b,c)
Minimum Rear Yard (feet)	50 (b)
Minimum Shore Yard (feet)	75 (d)
Maximum Building Height	
Principal Structure (stories/ft.)	2.0/35
Accessory Structure (stories/ft.)	1.0/15

- (a) The minimum for a restaurant shall be 40,000 square feet with a minimum lot width of 150 feet.
- (b) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.
- (c) No off-street parking area or drive (except a drive which intersects a public street right-of-way which provides direct access to the lot or parcel from the abutting intersecting public street right-of-way) is allowed within any required front yard setback or within the required side yard on a corner lot. No off-street parking area or drive is allowed to be closer than six (6) feet from any side or rear lot line, except where shared access or parking is permitted by the Plan Commission. (Ord. 008, Series 2001, Part 3).
- (d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.

SECTION 19.03.0312 A-1 PRIME AGRICULTURAL DISTRICT

- A. **District Intent.** The A-1 District is intended to provide for, maintain, enhance, and preserve agricultural lands historically used for the production and raising of livestock. The A-1 District is further intent upon preventing the premature conversion of agricultural land to scattered urban and suburban uses such as residential, commercial, and industrial uses. The lands placed in the A-1 District are intended to be limited to those lands shown as "Prime Agricultural Land" on the adopted Village of Grafton Comprehensive Plan and components thereof and any Ozaukee County adopted farmland preservation plan. The overall intent of the A-1 District is to retain the rural character of areas in which the A-1 District is used as set forth in the Village of Grafton Comprehensive Plan and components thereof.
- B. **District Standards.** The A-1 District is further intended to have the standards as set forth in Table 19.03.0312. Those developments served by on-site sewage disposal systems must meet all requirements set forth under Section 19.02.0103(B)(3)(d) of this Ordinance.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0312

A-1 PRIME AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	Not Applicable
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 19.05.0314)	Not Applicable
Maximum Gross Floor Area Ratio (GFAR)	0.05 (a) 0.10 (b)
Maximum Net Floor Area Ratio (NFAR)	Not Applicable
Lot Dimensional Requirements	
Minimum Lot Area (acres)	35
Minimum Lot Width at Setback Line (feet)	600
Minimum Front Yard (feet)	50 (c)
Minimum Side Yard (feet)	35 (c)
Minimum Side Yard on Corner Lot (feet)	50 (c)
Minimum Rear Yard (feet)	50 (c)
Minimum Shore Yard (feet)	75 (d)
Minimum Total Living Area per Single-Family Dwelling Unit (D.U.)	
1-Story D.U. □3 Bedrooms	1,400 s.f.
1-Story D.U. >3 Bedrooms	200 s.f. (e)
1-Story D.U. if Basement is < 600 Square Feet	200 s.f. (f)
Multi-Story D.U. □3 Bedrooms	1,500 s.f.-total 900 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	200 s.f. (e)
Multi-Story D.U. if Basement is < 600 Square Feet	200 s.f. (f)
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/35
Accessory Structure (ft.)	100

- (a) For single-family dwelling structures.
- (b) For other farm-related structures including housing for farm laborers.
- (c) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.
- (d) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.
- (e).Add to minimum required building floor area for each new bedroom in excess of three (3). (Ord. 008, Series 2001, Part 4)
- (f). Add to minimum required building floor area for each dwelling unit which has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 4)

SECTION 19.03.0313 A-2 AGRICULTURE DISTRICT

- A. **District Intent.** The A-2 District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activity. The overall intent of the A-2 District is to retain the rural character of those areas in which the A-2 District is used. The A-2 District may also be used as a transitional district between the A-1 District and the A-3 District.
- B. **District Standards.** The A-2 District is further intended to have the standards as set forth in Table 19.03.0313. Those developments served by on-site sewage disposal systems must meet all requirements set forth under Section 19.02.0103(B)(3)(d) of this Ordinance.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0313

A-2 AGRICULTURE DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	Not Applicable
Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See Section 5.0314)	Not Applicable
Maximum Gross Floor Area Ratio (GFAR)	0.05
Maximum Net Floor Area Ratio (NFAR)	Not Applicable
Lot Dimensional Requirements	
Minimum Lot Area (acres)	20
Minimum Lot Width at Setback Line (feet)	300
Minimum Front Yard (feet)	50 (a)
Minimum Side Yard (feet)	35 (a)
Minimum Side Yard on Corner Lot (feet)	50 (a)
Minimum Rear Yard (feet)	50 (a)
Minimum Shore Yard (feet)	75 (b)
Minimum Total Living Area per Single-Family Dwelling Unit (D.U.)	
1-Story D.U. □3 Bedrooms	1,400 s.f.
1-Story D.U. >3 Bedrooms	200 s.f (c).
1-Story D.U. if Basement is < 600 Square Feet	200 s.f. (d)
Multi-Story D.U. □3 Bedrooms	1,500 s.f.-total 900 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	200 s.f (c).
Multi-Story D.U. if Basement is < 600 Square Feet	200 s.f (d).
Maximum Building Height	
Principal Structure (stories/ft.)	3.0/35
Accessory Structure (ft.)	70

- (a) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.
- (b) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.
- (c) Add to minimum required building floor area for each new bedroom in excess of three (3). (Ord. 008, Series 2001, Part 5)
- (d) Add to minimum required building floor area for each dwelling unit which has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 5)

SECTION 19.03.0314 A-3 AGRICULTURAL HOLDING DISTRICT

- A. **District Intent.** The A-3 District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production and the raising of livestock but which are not prime agricultural lands. The A-3 District is intended to avoid the premature conversion of agricultural land to scattered urban and/or suburban uses and to thereby protect the lands contained therein from premature urban and/or suburban development until the orderly transition of those lands into urban and/or suburban uses is required. A-3 District lands are generally best suited for smaller farm units, including horse farming, hobby farming, orchards, and other similar agricultural-related activity. The A-3 District is further intended to allow the continuation of agricultural and related uses as interim land uses in those areas that are committed to urban and/or suburban development in the adopted Village of Grafton Comprehensive Plan and components thereof but which are not yet ripe for such development. The A-3 District is intended to be served by on-site soil absorption sewage disposal systems, holding tanks, and private wells on an interim basis until such time as public sanitary sewer service and public water supply facilities are made available. (Also see the requirements of Section 19.03.0105 of this Ordinance for additional regulations pertaining to annexed lands placed into the A-3 District.)
- B. **District Standards.** The A-3 District is further intended to have the standards as set forth in Table 19.03.0314. Those developments served by on-site sewage disposal systems must meet all requirements set forth under Section 19.02.0103(B)(3)(d) of this Ordinance.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

Table 19.03.0314

A-3 AGRICULTURAL HOLDING DISTRICT DEVELOPMENT STANDARDS

Type of Standard	Standard
Landscape Surface Ratio and Floor Area Ratios	
Minimum Landscape Surface Ratio (LSR)	Not Applicable
Maximum Gross Floor Area Ratio (GFAR)	0.05
Maximum Net Floor Area Ratio (NFAR)	Not Applicable
Lot Dimensional Requirements	
Minimum Lot Area (acres)	5
Minimum Lot Width at Setback Line (feet)	200
Minimum Front Yard (feet)	50 (a)
Minimum Side Yard (feet)	35 (a)
Minimum Side Yard on Corner Lot (feet)	50 (a)
Minimum Rear Yard (feet)	50 (a)
Minimum Shore Yard (feet)	75 (b)
Minimum Total Living Area per Single-Family Dwelling Unit (D.U.)	
1-Story D.U. □3 Bedrooms	1,400 s.f.
1-Story D.U. >3 Bedrooms	200 s.f (c).
1-Story D.U. if Basement is < 600 Square Feet	200 s.f (d).
Multi-Story D.U. □3 Bedrooms	1,500 s.f.-total 900 s.f.-1st floor
Multi-Story D.U. >3 Bedrooms	200 s.f (c).
Multi-Story D.U. if Basement is < 600 Square Feet	200 s.f. (d)
Maximum Building Height	
Principal Structure (stories/ft.)	2.5/30
Accessory Structure (ft.)	70

- (a) See Division 19.05.0300 for the determination of minimum required bufferyards. See Section 19.05.0104 for increased setback requirements along arterial streets and highways.
- (b) Subject to Section 22.04.070 of Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code*.
- (c) Add to minimum required building floor area for each new bedroom in excess of three (3). (Ord. 008, Series 2001, Part 6)
- (d) Add to minimum required building floor area for each dwelling unit which has a basement less than 600 s.f. (Ord. 008, Series 2001, Part 6)

SECTION 19.03.0315 HPO HISTORIC PRESERVATION OVERLAY DISTRICT

- A. **District Intent.** The HPO District is intended to provide for the protection and preservation of those structures whose historic or architectural interests are valuable contributions to the character and charm of the Village or areas of the Village. Such structures and areas are hereby deemed to represent a community asset justifying the public regulation of such structures and areas to ensure their preservation. It is further intended that the HPO District be used to protect the historic community character of such structures and districts. The purpose of the HPO District is to affect and accomplish the protection, enhancement, and perpetuation of improvements and of districts that represent or reflect elements of the Village's cultural, social, economic, political, and architectural history; safeguard the Village's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts; stabilize and improve property values; foster civic pride in the beauty and noble accomplishments of the past; protect and enhance the Village's attractions to residents, tourists, and visitors for education, pleasure, and general welfare; serve as a support and stimulus to business and industry; and strengthen the economy of the Village.
- B. **District Standards.** District standards shall conform to that required in the underlying basic use district and those other standards as may be set forth under Sections 19.07.0111 and 19.07.0210 and Division 19.08.0400 of this Ordinance.
- C. **Permitted, Accessory, and Conditional Uses.** See Sections 19.03.0603, 19.03.0604, 19.03.0605, 19.03.0606, Division 19.03.0700, Section 19.03.0703, and Division 19.03.0800.

DIVISION 19.03.0400 PLANNED UNIT DEVELOPMENT DISTRICTS

SECTION 19.03.0401 INTENT OF THE PUD PLANNED UNIT DEVELOPMENT DISTRICTS

- A. **General Intent.** The PUD Districts are intended to be created, pursuant to Section 62.23(7)(b) of the Wisconsin Statutes as amended, to foster developments that will: derive maximum benefit from coordinated area site planning, diversified location of structures, mixed compatible uses that result in the provision of a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities; and ensure adequate standards of construction and planning. The unified and planned development of a site, in single or corporate ownership or control at the time of application, may be permitted in a PUD District with one (1) or more principal uses or structures and related accessory uses and structures. The regulations within a PUD District need not be uniform throughout the individual PUD District except those types of intensity standards set forth in this Division shall be followed unless otherwise specifically approved by the Village.
- B. **Open Space, Land Use Intensity, and Residential Density Intent.** Each PUD district shall set forth its land use intensity including, where applicable: the open space ratio (OSR), a maximum gross residential density, maximum net residential density, maximum floor area ratio (GFAR and NFAR), and a minimum landscape surface ratio (LSR). These shall be established on an individual PUD District basis to ensure the intensity of development on the site is compatible with the context of the surrounding area, the Village's comprehensive plan, and intensity standards in comparable zoning district(s).
- C. **Natural Resource Features Protection Intent.** While the PUD District is intended to be flexible in its application, it is not the intent of the PUD Districts to be used to alter or amend any of the prescribed natural resource base protection standards advanced by this Ordinance.

SECTION 19.03.0402 CONSISTENCY OF THE PLANNED UNIT DEVELOPMENT DISTRICT WITH THE ADOPTED COMPREHENSIVE PLAN

A PUD District shall be in general conformance with or shall carry out the general objectives of the adopted Village of Grafton Comprehensive Plan or other element or component of the Village of Grafton Comprehensive Plan.

SECTION 19.03.0403 MINIMUM AREA AND USE REQUIREMENTS AND OTHER STANDARDS

- A. **Minimum Area Requirements.** To be approved under the provisions of this Division, each proposed PUD District shall be a minimum of five (5) acres in area, except as follows:
 - 1. Within the area subject to the Grafton Downtown Master Plan, as adopted by the Village Plan Commission on February 23, 1999, there shall be no minimum area required for PUD Districts.
 - 2. Within the area subject to the South Commercial District Redevelopment Plan, as adopted by the Village Plan Commission on October 28, 2003, there shall be no minimum area required for PUD Districts.
(Ord. 019, Series 2006, Part 1).
- B. **Natural Resource Features Protection Standards.** All development in a PUD District shall meet the natural resource protection standards set forth in Division 19.04.0100 of this Ordinance.
- C. **Maximum Site Intensity and Density Standards.** Site intensity and capacity calculations shall be done pursuant to the requirements of Division 19.03.0500 of this Ordinance. Maximum site intensity and density standards shall be based on similar standards in the nearest comparable residential, business, or industrial zoning district which would accommodate the proposed use(s), as determined by the Plan Commission. Any variations from such standards shall be specifically requested by the petitioner and approved by the Plan Commission. Individual uses and structures in a PUD District shall comply with the specific use, building location, height, building size, gross and net floor area ratios (GFAR and NFAR), lot size, open space ratio (OSR), and landscape surface ratio (LSR) requirements as set forth by the Plan Commission as conditions and restrictions of approval.
- D. **Minimum Required Setbacks from the Ultimate Rights-of-Way of Arterial Streets and Highways.** See Section 19.05.0104 for increased setback requirements along the ultimate rights-of-way of arterial streets and highways.

- E. **Minimum Dwelling Unit Size Standards.** Minimum dwelling unit size standards shall be based on similar standards in the nearest comparable residential zoning district which would accommodate the proposed use(s), as determined by the Plan Commission. Any variations from such standards shall be specifically requested by the petitioner and approved by the Plan Commission. Individual uses and structures in a PUD District shall comply with the specific dwelling unit sizes and maximum number of dwelling units per building as set forth by the Plan Commission as conditions and restrictions of approval.

- F. **Residential Permitted, Accessory, and Conditional Uses.** Allowable residential uses classified as permitted or conditional uses will be determined specifically as part of each PUD – Planned Unit Development zoning district and listed specifically in PUD – Planned Unit Development zoning ordinance pertinent to that district. The Plan Commission shall review each allowable residential use (permitted or conditional) and make a recommendation to the Village Board as part of the PUD – Planned Unit Development zoning ordinance consideration process. Residential uses that are not listed specially in the PUD – Planned Unit Development zoning ordinance will be considered not permitted. Any modification of the listed allowed residential uses for a given PUD – Planned Unit Development zoning district will require the amendment of that particular PUD –Planned Unit Development zoning ordinance and all appropriate processes under this zoning code. (Ord. 003, Series 2010, Part 1)

- G. **Nonresidential Permitted, Accessory, and Conditional Uses.** Allowable nonresidential uses classified as permitted or conditional uses will be determined specifically as part of each PUD – Planned Unit Development zoning district and listed specifically in PUD – Planned Unit Development zoning ordinance pertinent to that district. The Plan Commission shall review each allowable nonresidential use (permitted or conditional) and make a recommendation to the Village Board as part of the PUD – Planned Unit Development zoning ordinance consideration process. Nonresidential uses that are not listed specially in the PUD – Planned Unit Development zoning ordinance will be considered not permitted. Any modification of the listed allowed nonresidential uses for a given PUD – Planned Unit Development zoning district will require the amendment of that particular PUD –Planned Unit Development zoning ordinance and all appropriate processes under this zoning code. (Ord. 003, Series 2010, Part 2)

SECTION 19.03.0404 PUD PLANNED UNIT DEVELOPMENT DISTRICT PROCEDURES

See Division 19.07.0209 of this Ordinance.

DIVISION 19.03.0500 SITE INTENSITY AND CAPACITY CALCULATIONS

SECTION 19.03.0501 SITE INTENSITY AND CAPACITY CALCULATIONS FOR RESIDENTIAL AND NONRESIDENTIAL USES REQUIRED

- A. **Recognition of Natural Resource Features.** This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance. For properties zoned as a residential district, in no case, other than in the R-RE Rural Estate Single Family Residential and the R-E Estate Single Family Residential districts, shall the calculations for the total Resource Protection Land (Table 19.03.0503) or Minimum Required on-Site Open Space (Table 19.03.0504) exceed more than 50% of the Base Site Area. (Ord. 013, Series 2011)
- B. **When Site Intensity and Capacity Calculations Are Required.** The site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the Village of Grafton including all new Condominiums, all new residential and multiple-family residential developments including all Certified Survey Maps, Condominiums, and Subdivisions, all nonresidential development; and as may be required elsewhere in this Ordinance.
- C. **Exclusions (When Site Intensity and Capacity Calculations Are Not Required).** The site intensity and capacity calculations set forth in this Division shall *not* be required for the construction of single-family and two-family residential development located within existing platted subdivisions (with an approved final plat), certified survey maps, and condominiums existing at the time of the adoption of this Ordinance.

SECTION 19.03.0502 CALCULATION OF BASE SITE AREA

The *base site area* shall be calculated as indicated in Table 19.03.0502 for each parcel of land to be used or built upon in the Village of Grafton as referenced in Section 19.03.0501 of this Ordinance.

SECTION 19.03.0503 CALCULATION OF THE AREA OF NATURAL RESOURCES TO BE PROTECTED

All land area with those natural resource features as described in Division 19.04.0100 of this Ordinance and as listed in Table 19.03.0503 and lying within the *base site area* (as defined in Section 19.03.0502), shall be measured for each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 19.03.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 19.04.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space to protect the resource or feature. The sum of all resource protection land on the site equals the *total resource protection land*. The *total resource protection land* shall be calculated as indicated in Table 19.03.0503.

Table 19.03.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA
FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	_____ acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, and the rights-of-way of major utilities.	- _____ acres
STEP 3:	Subtract (-) land required to be dedicated for public parks under the requirements of the Village of Grafton Subdivision Ordinance as amended.	- _____ acres
STEP 4:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	- _____ acres
STEP 5:	In the case of "Site Intensity and Capacity Calculations" <i>for a proposed residential use</i> , subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" <i>for a proposed nonresidential use</i> , subtract (-) the land proposed for residential uses.	- _____ acres
STEP 6:	Equals "Base Site Area"	= _____ acres

Table 19.03.0503

**WORKSHEET FOR THE CALCULATION OF
RESOURCE PROTECTION LAND**

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 19.04.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	Acres of Land in Resource Feature to be Protected
	Agricultural Districts	Residential Districts	Non-Residential Districts		
Steep Slopes: 20 to <=30% >30%	0.65 0.90	0.75 0.85	0.70 0.80	X _____ = X _____ =	_____ _____
Woodlands & Forests: Mature Young	0.70 0.50	0.70 0.50	0.60 0.50	X _____ = X _____ =	_____ _____
Lakes & Ponds	1	1	1	X _____ =	_____
Streams	1	1	1	X _____ =	_____
Shore Buffer	1	1	1	X _____ =	_____
Floodplains	1	1	1	X _____ =	_____
Wetlands & Shoreland Wetlands	1	1	1	X _____ =	_____
TOTAL RESOURCE PROTECTION LAND (Total Acres of Land in Resource Features to be Protected)					_____

(Ord. 010, Series 2002, Part 3)

Note: In conducting the calculations in Table 19.03.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards. However, each natural resource located on a development site is required to be protected under the Division 19.04.0100 Natural Resources and Division 19.06.0200 Natural Resource Protection Plan. (Ord. 013, Series 2011)

SECTION 19.03.0504 CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL USES

To determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 19.03.0504 shall be done. The purpose of these calculations is to determine the total maximum allowable dwelling units allowed on a given residential development's Base site Area and is not intended to calculate the appropriate natural Resource Protection standards. Each natural resource located on a residential development site is required to be protected under the Division 19.04.0100 Natural Resources and division 19.06.0200 Natural Resource Protection Plan. (Ord. 013, Series 2011)

Table 19.03.0504

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT

<p>STEP 1:</p>	<p>CALCULATE MINIMUM REQUIRED ON-SITE OPEN SPACE:</p> <p>Take <i>Base Site Area</i> (from Step 6 in Table 19.03.0502): _____</p> <p>Multiply by Minimum <i>Open Space Ratio (OSR)</i> (See specific residential zoning district OSR standard): X _____</p> <p>Equals MINIMUM REQUIRED ON-SITE OPEN SPACE = _____</p>	<p>_____ acres</p>
<p>STEP 2:</p>	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take <i>Base Site Area</i> (from Step 6 in Table 19.03.0502): _____</p> <p>Subtract <i>Total Resource Protection Land</i> from Table 19.03.0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater: _____ - _____</p> <p>Equals NET BUILDABLE SITE AREA = _____</p>	<p>_____ acres</p>
<p>STEP 3:</p>	<p>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): _____</p> <p>Multiply by Maximum <i>Net Density (ND)</i> (See specific residential zoning district ND standard): X _____</p> <p>Equals MAXIMUM NET DENSITY YIELD OF SITE = _____</p>	<p>_____ D.U.s</p>
<p>STEP 4:</p>	<p>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</p> <p>Take <i>Base Site Area</i> (from Step 6 of Table 19.03.0502): _____</p> <p>Multiply by Maximum <i>Gross Density (GD)</i> (See a specific residential zoning district GD standard): X _____</p> <p>Equals MAXIMUM GROSS DENSITY YIELD OF SITE = _____</p>	<p>_____ D.U.s</p>
<p>STEP 5:</p>	<p>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</p> <p>Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above): _____</p>	<p>_____ D.U.s</p>

(Ord. 010, Series 2002, Part 4)

SECTION 19.03.0505 CALCULATION OF SITE INTENSITY AND CAPACITY FOR NONRESIDENTIAL USES

To determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 19.03.0505 shall be done.

Table 19.03.0505

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR NONRESIDENTIAL DEVELOPMENT

STEP 1:	<p>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</p> <p>Take <i>Base Site Area</i> (from Step 6 in Table 19.03.0502): _____</p> <p>Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i> (See specific zoning district LSR standard): X _____</p> <p>Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE = _____ acres</p>	
STEP 2:	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take <i>Base Site Area</i> (from Step 6 in Table 19.03.0502): _____</p> <p>Subtract <i>Total Resource Protection Land</i> from Table 19.03.0503 or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater: - _____</p> <p>Equals NET BUILDABLE SITE AREA = _____ acres</p>	
STEP 3:	<p>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above): _____</p> <p>Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (See specific nonresidential zoning district NFAR standard): X _____</p> <p>Equals MAXIMUM NET FLOOR AREA YIELD OF SITE = _____ acres</p>	
STEP 4:	<p>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</p> <p>Take <i>Base Site Area</i> (from Step 6 of Table 19.03.0502): _____</p> <p>Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (See specific nonresidential zoning district GFAR standard): X _____</p> <p>Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE = _____ acres</p>	
STEP 5:	<p>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</p> <p>Take the <i>lowest</i> of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above): (Multiple results by 43,560 for maximum floor area in square feet):</p>	<p>_____ acres (_____ s.f.)</p>

DIVISION 19.03.0600 ZONING DISTRICT USES AND USE REGULATIONS

SECTION 19.03.0601 PURPOSE

The purpose of this Division is to establish which uses are either permitted or not permitted to locate in each zoning district, floodplain, floodway, and wetland areas. A further distinction is made for uses which may locate in a given zoning district only after obtaining a Conditional Use Permit (see Division 19.07.0100 of this Ordinance). All uses and structures must comply with the applicable provisions of this Ordinance.

SECTION 19.03.0602 TABLE OF PERMITTED AND CONDITIONAL USES IN ALL RESIDENTIAL ZONING DISTRICTS

Table 19.03.0602 sets forth those uses which are permitted uses and conditional uses in the residential R-RE, R-E, R-1, R-S, R-2, R-3, R-4, R-5, R-6, MFR-1, MFR-2, and residential PUD Districts. In addition, Table 19.03.0602 lists those residential uses which are permitted uses or conditional uses in the A-1, A-2, and A-3 Districts.

Table 19.03.0602

**PERMITTED AND CONDITIONAL USES IN THE
RESIDENTIAL ZONING DISTRICTS**

**SECTION 19.03.0603 TABLE OF PERMITTED AND CONDITIONAL USES IN ALL
NONRESIDENTIAL ZONING DISTRICTS**

Table 19.03.0603 sets forth those uses which are permitted uses and conditional uses in the CBD, C-1, C-2, C-3, C-4, O, BP, M-1, PID, I, PR, A-1, A-2, A-3, and HPO Districts. In interpreting the various use designations, reference should be made to the *Standard Industrial Classification Manual* (1987, or latest edition) published by Executive Office of the President, Office of Management and Budget. Standard Industrial Classification (SIC) code numbers are given for each use type listed in Table 19.03.0603.

Table 19.03.0603

**PERMITTED AND CONDITIONAL USES IN THE
NONRESIDENTIAL ZONING DISTRICTS**

Table 19.03.0603 Begins at Top of Next Page

SECTION 19.03.0604 PERMITTED AND CONDITIONAL USES IN THE FW FLOODWAY, FF FLOOD FRINGE, AND GFP GENERAL FLOODPLAIN ZONING DISTRICTS

Permitted and/or conditional uses in floodplain and/or floodway areas are as may be specified under the provisions of Title 21 "Floodplain Zoning," of the *Village of Grafton Municipal Code* as amended.

SECTION 19.03.0605 PERMITTED AND CONDITIONAL USES IN SHORELAND WETLAND AND WETLAND AREAS

This Section sets forth those uses which are permitted uses and conditional uses in shoreland wetland and other wetland areas.

- A. **Permitted and Conditional Uses in Shoreland Wetland Areas.** Permitted and/or conditional uses in shoreland wetland areas are as may be specified under the provisions of Title 22 "Shoreland-Wetland Zoning," of the *Village of Grafton Municipal Code* as amended.
- B. **Permitted Uses in Other Wetland Areas (Wetlands which are not Shoreland Wetlands).** The following uses are allowed by the Village of Grafton if all other required and applicable County, federal, and State permits, including U.S. Army Corps of Engineers and Wisconsin Department of Natural Resources permits, have been granted. A copy of all such permits shall be transmitted to the Village of Grafton prior to any approvals granted by the Village. The following are permitted as a matter of right:
1. Hiking, fishing, trapping, swimming, and boating, unless prohibited by other ordinances and laws.
 2. The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a way that is not injurious to the natural reproduction of such crops, and that does not involve filling, earthmoving, flooding, draining, dredging, ditching, tiling, or excavating.
 3. The practice of silviculture, including the planting, thinning, and harvesting of timber, if no filling, earthmoving, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.
 4. Construction and maintenance of fences.
 5. Existing agricultural uses provided they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
 6. Earthmoving, ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
 7. The construction and maintenance of piers, docks, and walkways, including those built on pilings.
 8. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- C. **Conditional Uses in Other Wetland Areas (Wetlands which are not Shoreland Wetlands).** The following uses may be allowed by Conditional Use Permit by the Village of Grafton if all other required and applicable County, federal, and State permits, including U.S. Army Corps of Engineers and Wisconsin Department of Natural Resource permits, have been granted. A copy of all such permits shall be transmitted to the Village of Grafton prior to any approvals granted by the Village.
1. The construction of streets which are necessary for the continuity of the Village street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses, if:
 - a. The street cannot, as a practical matter, be located outside a wetland; and
 - b. The street is designed and constructed to minimize the adverse impact upon the natural

functions of the wetland and meets the following standards:

- 1) The street shall be designed and constructed for the minimum cross-section practical to serve the intended use;
 - 2) Street construction activities shall be limited to the immediate area of the roadbed only; and
 - 3) Any earthmoving, filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the street.
2. The establishment and development of public and private parks and recreation areas, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, if:
 - a. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 - b. No filling is to be done; and
 - c. Earthmoving, ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for improving wildlife habitats or to otherwise enhance wetland values.
 3. The construction and maintenance of electric, gas, telephone, water, and sewer transmission and distribution lines, and related facilities in the wetland by public utilities and cooperative associations organized for producing or furnishing heat, light, power, or water to members, if:
 - a. The transmission and distribution lines and related facilities cannot as a practical matter be outside a wetland; and
 - b. Any earthmoving, filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
 4. The construction and maintenance of railroad lines, if:
 - a. The railroad lines cannot as a practical matter be outside a wetland; and
 - b. Any earthmoving, filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

SECTION 19.03.0606 PERMITTED AND CONDITIONAL USES IN THE HPO HISTORIC PRESERVATION OVERLAY ZONING DISTRICT

This Section sets forth those uses which are permitted uses and conditional uses in the HPO District.

- A. **Permitted Uses in the HPO District.** All permitted uses in the underlying zoning district(s) shall be permitted by right.
- B. **Conditional Uses in the HPO District.** All conditional uses which may be allowed in the underlying zoning district(s) may be permitted as conditional uses.

SECTION 19.03.0607 USES NOT SPECIFICALLY PERMITTED IN DISTRICTS

When a use is not specifically listed as a "Permitted Use," "Conditional Use," or "Accessory Use," it shall be assumed that such a use is expressly prohibited unless by a written decision of the Plan Commission it is determined that said use is similar to, and not a more measurably intense use, than the use listed.

DIVISION 19.03.0700 CONDITIONAL USE STANDARDS AND REGULATIONS

SECTION 19.03.0701 GENERAL STANDARDS FOR CONDITIONAL USES

- A. **General Standards.** No Conditional Use Permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:
1. **Ordinance and Comprehensive Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the Village of Grafton Comprehensive Plan or element thereof.
 2. **Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and will not substantially diminish and impair property values within the community or neighborhood.
 3. **Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property according to the applicable zoning district regulations.
 4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities as provided by the Village Municipal Code.
 5. **Traffic Management.** That vehicular ingress and egress at the proposed site shall not cause a significant increase of traffic on residential streets. Unless waived by the Village Engineer, the applicant shall submit a traffic study including existing, volumes, trip generation, and existing and proposed level of service on adjacent arterial and collector streets for Plan Commission review.
 6. **Destruction of Significant Features.** The Plan Commission may impose reasonable conditions on the proposed use and development to avoid or minimize the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance, taking into account the surrounding uses, the existing use of the site, and public convenience. (Ord. 005, Series 2004, Part 1)
 7. **Compliance with Standards.** The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified to a more restrictive requirement by the Village Board pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division. (Also see Sections 19.03.1001 and 19.03.1004 of this Ordinance.) (Ord.. 005, Series 2004, Part 1)
- B. **Special Standards for Specified Conditional Uses.** When the zoning district regulations authorize a conditional use in a particular zoning district and that the conditional use is indicated as having special standards as set forth in either Section 19.04.0702 and 19.04.0703 of this Division, a Conditional Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.
- C. **Considerations.** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation, circulation and safety, drainage, sewerage and water systems, and the proposed operation. In determining whether the

applicant's evidence establishes that the foregoing standards have been met, the Plan Commission shall also consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or will contribute to the general welfare of the neighborhood or community.
 2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at another site or in another area that may be more appropriate based upon public need than the proposed site as determined by the Plan Commission and Village Board.
 3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
(Ord. 005, Series 2004, Part 1)
- D. **Conditions on Conditional Use Permits.** The Plan Commission such conditions and limitations concerning use, architectural design, type of construction, construction commencement and completion dates, sureties, character, location, landscaping, maintenance, screening, fencing, operation, hours of operation, improved circulation, deed restrictions, highway and arterial street access restrictions, increased yards, off-street parking requirements, and any other matters relating to the purposes and objectives of this Ordinance upon the premises benefited by the issuance of a Conditional Use Permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements near the subject property, upon such public facilities and services, protection of the public interest, and to secure compliance with the standards and requirements specified in this Ordinance. Such conditions shall be expressly set forth in the approval of the Conditional Use Permit, and the Plan Commission may require the unconditional consent of the applicant to such conditions. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)
- E. **Affidavit of Compliance with Conditions.** In all cases in which conditional uses are granted, the Plan Commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated to in connection therewith are being, and will be, complied with. Whenever any Conditional Use Permit granted pursuant to this Ordinance is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Building Inspector so stating. (Ord. 005, Series 2004, Part 1)
- F. **Effect of Issuance of a Conditional Use Permit.** The grant of a Conditional Use Permit shall not authorize the establishment or extension of any such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any other permits or approvals that may be required by the ordinances and codes of the Village of Grafton, including but not limited to Building Permit, land division approval, landscape plan approval, site plan approval, or other type of permit or approval.
- G. **Limitations on Conditional Use Permits.**
1. **Time Limitations.** Subject to an extension of time granted by the Plan Commission, no Conditional Use Permit shall be valid for a period longer than one (1) year, from the date of issuance, unless a Building Permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. (Ord. 005, Series 2004, Part 1)
 2. **Use Discontinuance.** A Conditional Use Permit shall be deemed to authorize only the particular use for which it was issued. Such permits shall automatically expire and cease to be of any force or effect if such use shall be discontinued for twelve (12) consecutive months or more; provided, however, that if such use is discontinued due to labor strikes, war, natural disasters, or other similar cause(s) beyond the reasonable control of the holder of the Conditional Use Permit, such twelve (12) month period may be extended for a period equal to the period that the holder of the Conditional Use Permit is prevented from engaging in the particular use for which the Conditional Use Permit was issued.

3. **Conditional Use Permit Runs with Land and Not the Applicant.** Unless otherwise provided in the approval of the Conditional Use Permit, a Conditional Use Permit shall be deemed to relate to, and to be for the benefit of, the use and lot in question rather than the applicant, owner, or operator of such use or lot. (Ord. 005, Series 2004, Part 1)
 4. **Additions and Enlargements to Legal Conditional Uses.** Any additions or enlargements of an existing *legal* conditional use may be completed only pursuant to the procedures and subject to the standards and limitations provided in this Ordinance for its original approval. A legal conditional use shall be defined as a use for which the Village had issued a Conditional Use Permit or which was otherwise legally established before said type of use became a conditional use under this Ordinance. (Ord. 010, Series 2002, Part 7).
 5. **Additions and Enlargements to Illegal Conditional Uses.** Any additions or enlargements of an existing illegal conditional use shall not be allowed unless the entire use is made to conform to all the regulations of the zoning district in which it is located and pursuant to the procedures and subject to the standards and limitations provided in this Ordinance. An illegal conditional use shall be defined as a use for which the Village had not issued a Conditional Use Permit or which was otherwise not legally established before said type of use became a conditional use under this Ordinance. (Ord. 010, Series 2002, Part 7).
- H. **Amendments to Conditional Use Permits.** A Conditional Use Permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Ordinance for its original approval.

SECTION 19.03.0702 DETAILED STANDARDS FOR CONDITIONAL USES IN RESIDENTIAL DISTRICTS

- A. **Open Space Subdivision.** The following specific requirements and standards shall apply to all "Open Space Subdivision" options in the R-RE, R-E, R-1, R-S, and R-4 Districts:
1. **Must Meet District Standards.** All "Open Space Subdivisions" shall meet the applicable open space ratio, density, lot dimension, living area per dwelling unit, and height requirements for both the zoning district and "Open Space Subdivision" option selected.
 2. **Conservation and/or Open Space Preservation Easements.** All "Open Space Subdivisions" shall have submitted conservation and/or open space preservation easements regulating the protection of natural resource features and/or open space in the proposed development. Such documents shall assure that all such conservation and/or open space preservation easements are held privately and in perpetuity under a Wisconsin nonprofit membership corporation (homeowners' association). Said conservation and/or open space preservation easements shall cover the total required Open Space Ratio (OSR) area of the Open Space Subdivision. In addition:
 - a. **Covenants and Restrictions.** All covenants, deed restrictions, easements, and similar restrictions to be recorded in connection with the "Open Space Subdivision" shall provide that they may not be modified, removed, or released without the express consent of the Village Board or Plan Commission, as applicable. (Ord. 005, Series 2004, Part 1)
 - b. **Limitation on Construction of Any Structure or Improvement in Areas Covered by a Conservation and/or Open Space Preservation Easement.** No areas covered by a conservation and/or open space preservation easement shall be used for the construction of any structure or improvement except such structures and improvements as may be approved by the Village.
 - c. **Continued Preservation of Open Space Required.** The conservation and/or open space preservation easement must be permanent, not be for a given period of years, and must run with the land. Such conservation and/or open space preservation easements may provide that they may be released, but only with the approval of the Village Board.
 - d. **Ownership and Maintenance.** The "Open Space Subdivision" plans shall include such

provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation according to predetermined standards and to ensure that remedial measures will be available to the Village if such open space or improvements are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the subject "Open Space Subdivision" or the Village.

3. **Wisconsin Nonprofit Membership Corporation (Homeowners' Association).** All "Open Space Subdivisions" shall have submitted the legal instruments and rules for the creation of a Wisconsin nonprofit membership corporation (homeowners' association). Said nonprofit membership corporation shall be responsible for maintaining all open space areas and conservation and/or open space easements in the development. In addition, such nonprofit membership corporation shall meet each of the following standards:
 - a. That the bylaws and rules of the nonprofit membership corporation and all declarations, covenants, and restrictions to be recorded must be approved as part of the "Open Space Subdivision" plans before becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this Ordinance.
 - b. That the nonprofit membership corporation must be established and all declarations, covenants, and deed restrictions must be recorded before the sale of any property within the area of the "Open Space Subdivision" designated to have the exclusive use of the proposed open space or improvements.
 - c. That the nonprofit membership corporation must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to the nonprofit membership corporation.
 - d. That membership in the nonprofit membership corporation must be mandatory for each property owner of the "Open Space Subdivision" and any successive property owner having a right to the use or enjoyment of such open space or improvements.
 - e. That every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the nonprofit membership corporation by means of an assessment to be levied by the nonprofit membership corporation that meets the requirements for becoming a lien on the property according to the State statutes.
 - f. That the nonprofit membership corporation must have the right to adjust the assessment to meet changed needs. The membership vote of the nonprofit membership corporation required to authorize such adjustment shall not be fixed at more than two-thirds (2/3) of the nonprofit membership corporation members voting on the issue.
 - g. That the Village must be given the right to enforce the protective covenants, deed restrictions, conservation and/or open space preservation easements as they relate to common property.
 - h. The Village must be given the right, after a minimum of ten (10) days' written notice to the nonprofit membership corporation, to perform any maintenance or repair work that the nonprofit membership corporation has neglected to perform, to assess the nonprofit membership corporation membership for such work and to have a lien against the property of any member failing to pay such assessment. For this purpose alone, the Village shall have all the rights and powers of the nonprofit membership corporation and its governing body under the agreements and declarations creating the nonprofit membership corporation. In the case of emergency, the Village may issue a forty-eight (48) hour enforcement correctional order. In the event the nonprofit membership corporation ceases to exist, the Village shall have the right to assess the property owner(s) directly.
4. **Village Attorney Review.** The Village Attorney shall review all conservation and/or open space

easements and homeowners' associations and shall approve said instruments as to form.

5. **Minimum Required Width of Open Space When Abutting an Adjacent "Conventional Subdivision."** A minimum fifty (50) foot wide open space buffer shall be provided between an "Open Space Subdivision" and an abutting "Conventional Subdivision." Said open space buffer shall be protected by a conservation and/or open space preservation easement and shall count toward the total required amount of open space for the "Open Space Subdivision."
6. **Village Board Shall Determine Public Sewer and Public Water Supply in the R-RE District.** The Village Board shall determine public sewer and public water supply as a condition in the R-RE District.

B. **Stables, Private.** The following specific standards shall be used in the R-RE District:

1. **Minimum Lot Area.** The minimum lot area shall be two (2.0) acres. This minimum lot area shall be increased by forty thousand (40,000) square feet for each equine in addition to two (2).
2. **Required Setbacks.** The following minimum setbacks shall also be provided:
 - a. On parcels of land less than two hundred thousand (200,000) square feet, all feed and bedding shall be stored indoors.
 - b. On parcels of land two hundred thousand (200,000) square feet or more, piles of feed or bedding shall be located seventy-five (75) feet from any public street right-of-way or lot line of an adjacent nonresidential district and one hundred (100) feet from any lot line of an adjacent residential district lot line, to minimize odor and nuisance problems.
3. **Pasture Location.** Pasture area may extend to the setback line.
4. **Manure Maintenance.** Manure piles shall be stored, removed, and/or applied according to Village requirements.
5. **Stable Location.** All points on the perimeter of any stable building or corral shall be at least fifty (50) feet from the nearest boundary line or right-of-way line of the parcel on which it is located.

C. **Institutional Residential Facility.** Residential development designed to accommodate institutional residential uses, such as retirement homes, assisted living facilities, nursing homes, hospices, group homes, group religious residences, dormitories, convalescent homes, limited care facilities, rehabilitation houses, and similar land uses not considered to be community living arrangements, adult group homes, or community based residential facilities under the provisions of Wisconsin Statutes. The following standards shall apply to all Institutional Residential Facilities:

1. The number of residents shall be limited to two per bedroom.
2. There shall be an on-site manager present at all times.
3. All residents and managers shall park vehicles on-site. Visitors may utilize on-street parking consistent with Village ordinances.
4. All refuse containers shall be stored behind the front façade of the house or screened from view as approved by the Director of Planning and Development.
5. There shall be no change in the outside appearance of the building, accessory structure(s), or premises because of such facility. (Ord. 014, Series 2014, Part 2;)

SECTION 19.03.0703 DETAILED STANDARDS FOR CONDITIONAL USES IN NONRESIDENTIAL DISTRICTS

A. **Amusement Parks.** The following standards shall apply to all amusement parks:

1. **Contiguity with Arterial or Collector Street Required.** All amusement parks shall be contiguous to an arterial or collector street.
2. **Bufferyard Requirements.** A landscaped bufferyard intensity factor of five (5) (see Division 19.05.0300 of this Ordinance) shall be provided along all property lines of the entire amusement park and said amusement park shall be enclosed with a masonry wall of at least eight (8) feet or more in height to discourage entrance from areas other than the designated entrances to said facilities; or enclosed by an earthen berm of at least eight (8) feet in height or higher and a chain-link fence, fully screened from view by vegetation to discourage entrance from areas other than the designated entrances to said facilities
3. **Property Abutting Residential Zoning District.** If the property abuts a residential zoning district, then a bufferyard with a minimum width of one hundred (100) feet consisting of an earthen berm equal to the height of the top of the roofs shall be constructed with a slope of no greater than two to one (2:1) shall be constructed and landscaping installed to provide one hundred (100) percent canopy cover over said bufferyard area. The minimum bufferyard intensity factor shall be five (5) (see Division 19.05.0300 of this Ordinance).
4. **Lighting.** All off-street parking areas and access ways shall be adequately illuminated. Total cut-off lighting shall be required. The total cut-off of light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from said residential districts.
5. **Loudspeaker and Announcement Systems.** Loudspeaker and announcement systems shall be so located with respect to the zoning district boundaries so that the level of sound, as measured in decibels, as measured at the property line shall not exceed 40 dB during the hours of 9 A.M. to 6 P.M. or 35 dB during the time period from 6 P.M. to 10 P.M. There shall be a prohibition of the use of such loudspeaker and announcement systems between the hours of 10:00 P.M. and 9:00 A.M.
6. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)

B. **Animal Hospitals and Veterinary Clinics.** Animal hospitals and veterinary clinics shall meet the following requirements:

1. **Activities to be Conducted within Enclosed Building.** All activities, except animal exercise areas, shall be conducted within an enclosed building which allows for adequate ventilation. (Ord. 016, Series 2002, Part 2)
2. **No New Animal Hospital or Veterinary Clinic Shall Abut a Residential Zoning District.** No animal hospital or veterinary clinic, constructed after June 1, 2002, shall abut a residential zoning district. (Ord. 016, Series 2002, Part 2)
3. **Mitigation of Impacts and Enclosed Exercise Areas.** The operator of the animal hospital or veterinary clinic shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise. Building site, and landscape design shall also mitigate noise and other impacts. All exercise areas shall either be indoors or contiguous to the principal building. If contiguous to the building, exercise areas shall be fully enclosed by a decorative fence or wall with a design and materials that are compatible with the principal building. (Ord. 016, Series 2002, Part 2)

C. **Automated Teller Machines (ATM).** Automated teller machines shall meet the following requirements:

1. **Lighting.** With respect to an open and operating automated teller machine during hours of darkness:
 - a. There shall be a minimum of ten (10) footcandles at the face of the automated teller machine and extending in an unobstructed direction outward five (5) feet.
 - b. There shall be a minimum of two (2) footcandles within fifty (50) feet from all unobstructed directions from the face of the automated teller machine.
 - c. There shall be a minimum of two (2) footcandles in that portion of the parking and/or drive area within fifty feet of the automated teller machine.
 - d. All lighting and luminaires provided shall be of the full cut-off type.
 2. **Landscaping.** No landscaping shall be located within proximity of an automated teller machine which would hamper or obstructed the view of the automated teller machine from all adjoining public street rights-of-way.
 3. **Signage.** All signage shall comply with requirements of the Village Sign Ordinance.
 4. **Automated Teller Machines Considered as Accessory Uses.** All automated teller machines shall be considered as an accessory use and shall not be allowed to be constructed until a principal use is constructed upon a site.
- D. **Bus Terminals and Park and Ride Lots.** Bus terminals and park and ride lots shall meet the following requirements:
1. **Direct Access to Collector or Arterial Street.** All bus terminals and park and ride lots shall have direct access to an arterial street which is a federal, state, or county designated highway.
 2. **Use Abutting Residential Zoning District Prohibited.** Such use shall not adjoin a residential zoning district.
- E. **Cemeteries, Human.** Cemeteries for humans shall meet the following requirements:
1. **State Requirements.** All requirements of the Wisconsin State Statutes regarding the interment of human dead shall be met.
 2. **Minimum Required Site Area.** A minimum required site size for the entire cemetery site shall be three (3) acres.
 3. **Off-Street Parking and Maneuvering of Funeral Corteges.** There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
 4. **Minimum Interment Setbacks.** No interment shall take place within fifty (50) feet of any adjoining lot line.
 5. **Minimum Structure Setback.** All structures shall be set back a minimum of fifty (50) feet from any boundary line of the cemetery property plus two (2) feet for each one (1) foot of structure height more than twenty-five (25) feet to the maximum height permitted by the zoning district in which it is located.
- F. **Convenience Stores.** Convenience stores shall meet the following requirements:
1. **Direct Access to Arterial Streets Required.** All convenience stores shall have direct access to an arterial street which is a federal, state, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road, or reverse frontage road, where nonresidential uses will be on both sides of the street.
 2. **Required Additional Landscape Bufferyard When Abutting Residential Zoning Districts.** When abutting a residential zoning district, convenience stores shall provide one (1) additional bufferyard intensity factor to that already required under the provisions set forth in Section

19.05.0307 of this Ordinance.

3. **Architectural Design.** All convenience stores abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. All such buildings shall be constructed of brick masonry, split face concrete block, or stone.
4. **Fuel Pump Location.** Any fuel pumps and pump islands shall be at least seventy-five (75) feet from any street or abutting lot line and meet all other State of Wisconsin regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.
5. **Canopies.** The canopies provided over the pump islands of convenience stores with gas pumps shall meet the yard requirements of a principal structure. In addition:
 - a. **Obstruction of Visibility at Rights-of-Way Prohibited.** The canopy shall not block visibility at intersections of rights-of-way or drives.
 - b. **Zoning District Front Yard Requirements Shall Be Met.** All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
 - c. **Canopies to be Counted Toward Maximum Permitted GFAR and NFAR.** All canopies shall be counted toward the maximum permitted gross floor area ratio (GFAR) and maximum net floor area ratio (NFAR) of the nonresidential zoning district in which the canopy is to be constructed.
 - d. **Maximum Height.** Under no circumstances shall the underside of the canopy as measured at the bottom of its exterior fascia be higher than sixteen (16) feet.
 - e. **Signs Not Permitted.** No signs shall be permitted on canopy roofs or fascia; provided, however, that this requirement shall not prevent use of distinctive color schemes on the canopy fascia generally identified with the owner or operator of the convenience store.
6. **Lighting.** The off-street parking and fueling area may be illuminated. Total cut-off of light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum foot-candle levels allowed shall be four (4.0) foot-candles as measured at the property line, except at vehicular entrances at the street right-of-way line which shall be a maximum of six (6.0) foot-candles.
7. **Concrete Curb and Gutter Required.** Concrete curb and gutter shall be required throughout all off-street parking, drive, and loading areas of the development.
8. **Window Display and Sales Signs.** Window display and/or sales signage, including merchandise used as signage, shall be limited to covering no more than twenty-five (25) percent of the exterior window area. In no case shall fluorescent colors be used for such signage.
9. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)
10. **Rental Trucks, Automobiles, and/or Trailers.** The rental of trucks, automobiles, and/or trailers on the premises shall not be permitted.
11. **Prohibited Signs.** The following signs are hereby prohibited:
 - a. Any sign which, or any part of which, is in motion by any means, including fluttering or rotating, or other signs set in motion by movement of the atmosphere. This includes all flags, except the American flag, pennants, whirling objects, banners, or other entity(s) attached to strings or lines.

- b. Inflatable advertising devices or signs.
 - c. Changeable copy and portable trailer signs, either fixed or moveable except signs advertising gas prices consistent with State and/or federal regulations and practice of the industry.
 - d. Banners which are temporary signs or devices of paper, fabric, plastic, or other flexible materials and are suspended by wires or poles to advertise a special event.
 - e. Statues.
 - f. A sign on a motor vehicle or trailer parked on public or private property so as to be seen from the public right-of-way for more than three (3) consecutive hours, which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.
12. **Other Requirements.** Any other requirements and/or conditions deemed appropriate by the Plan Commission. (Ord. 005, Series 2004, Part 1)

G. **Gas Stations (including Automotive Repair Facilities and Gas Stations with Automotive Repair Facilities).** Gas stations, gas stations with automotive repair facilities, and automotive repair facilities shall meet the following requirements:

- 1. **Direct Access to Arterial Streets Required.** All gas stations shall have direct access to an arterial street which is a federal, State, or county designated highway, except where it is part of a nonresidential development where access is provided by a parallel access road or reverse frontage road where nonresidential uses will be on both sides of the street.
- 2. **Required Additional Landscape Bufferyard When Abutting Residential Zoning Districts.** When abutting a residential zoning district, gas stations shall provide and one (1) additional bufferyard intensity factor to that already required under the provisions set forth in Section 19.05.0307 of this Ordinance.
- 3. **Architectural Design.** All gas stations abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building. All such buildings shall be constructed of brick masonry, split face concrete block, or stone.
- 4. **Fuel Pump Location.** Any fuel pumps and pump islands shall be at least seventy-five (75) feet from any street or abutting lot line and meet all other State of Wisconsin regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.
- 5. **Canopies.** The canopies provided over the pump islands of gas pumps shall meet the yard requirements of a principal structure. In addition:
 - a. **Obstruction of Visibility at Rights-of-Way Prohibited.** The canopy shall not block visibility at intersections of rights-of-way or drives.
 - b. **Zoning District Front Yard Requirements Shall Be Met.** All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
 - c. **Canopies to be Counted Toward Maximum Permitted GFAR and NFAR.** All canopies shall be counted toward the maximum permitted gross floor area ratio (GFAR) and the maximum net floor area ratio (NFAR) of the nonresidential zoning district in which the canopy is to be constructed.
 - d. **Maximum Height.** Under no circumstances shall the underside of the canopy as measured at the bottom of its exterior fascia be higher than sixteen (16) feet.

- e. **Signs Not Permitted.** No signs shall be permitted on canopy roofs or fascia; provided, however, that this requirement shall not prevent use of distinctive color schemes on the canopy fascia generally identified with the owner or operator of the convenience store.
6. **Lighting.** The off-street parking and fueling area may be illuminated. Total cut-off of light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp, or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning districts. Maximum foot-candle levels allowed shall be four (4.0) foot-candles as measured at the property line, except at vehicular entrances at the street right-of-way line which shall be a maximum of six (6.0) footcandles.
7. **Repair Services.** All repair services shall be done within a completely enclosed building and shall meet the following requirements:
 - a. No more than the required off-street parking set forth under the provisions of Section 19.05.0203 of this Ordinance shall be allowed.
 - b. All storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard. Said screening shall consist of a masonry wall of a minimum height of six (6) feet.
 - c. All damaged or nonoperable parts shall be stored indoors until removed from the premises.
 - d. An automotive repair facility shall store all vehicle parts within a completely enclosed building.
 - e. The maximum allowable number and size of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval of the Conditional Use Permit.
8. **Concrete Curb and Gutter Required.** Concrete curb and gutter shall be required throughout all off-street parking, drive, and loading areas of the development.
9. **Window Display and Sales Signs.** Window display and/or sales signage, including merchandise used as signage, shall be limited to covering no more than twenty-five (25) percent of the exterior window area. In no case shall fluorescent colors be used for such signage.
10. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)
11. **Rental Trucks, Automobiles, and/or Trailers.** The rental of trucks, automobiles, and/or trailers on the premises shall not be permitted.
12. **Prohibited Signs.** The following signs are hereby prohibited:
 - a. Any sign which, or any part of which, is in motion by any means, including fluttering or rotating, or other signs set in motion by movement of the atmosphere. This includes all flags, except the American flag, pennants, whirling objects, banners, or other entity(s) attached to strings or lines.
 - b. Inflatable advertising devices or signs.
 - c. Changeable copy and portable trailer signs, either fixed or moveable except signs advertising gas prices consistent with State and/or federal regulations and practice of the industry.
 - d. Banners which are temporary signs or devices of paper, fabric, plastic, or other flexible materials and are suspended by wires or poles to advertise a special event.

- e. Statues.
- f. A sign on a motor vehicle or trailer parked on public or private property so as to be seen from the public right-of-way for more than three (3) consecutive hours, which has attached thereto or located thereon any sign for the purpose of advertising a product or directing people to a business activity.

13. **Other Requirements.** Any other requirements and/or conditions deemed appropriate by the Plan Commission. (Ord. 005, Series 2004, Part 1)

H. **Golf Driving Ranges.** Golf driving ranges shall meet the following requirements:

1. **Minimum Required Site Area.** The site shall be a minimum of fifteen (15) acres in area and shall be of such configuration to permit a minimum driving distance of three hundred (300) yards from each proposed tee, exclusive of all required bufferyard areas.
2. **Additional Site Plan Requirements.** A site plan of the facility shall be submitted showing the layout of the property with all ranges, roughs, tees, structures, off-street parking areas, fencing, and proposed plant materials and location.
3. **Site Lighting.** Lighting used at the site shall be designed, located, and constructed to prevent glare and minimize reflection onto neighboring property. Those lighting standards set forth in Division 19.05.0400 shall be followed.
4. **Minimum Setbacks.** Minimum setbacks for front, rear, and side yards shall be one hundred (100) feet.
5. **Direct Access to Arterial Streets Required.** All golf driving ranges shall have direct access to an arterial street which is a federal, State, or county designated highway.
6. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)

I. **Helistops.** Helistops shall meet the following requirements:

1. **Minimum Site Size.** The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate to meet the standards for the type of facility proposed of the Federal Aviation Administration and the Department of Transportation according to their published *Rules and Regulations*.
2. **Location of Landing Area on the Site.** Any proposed landing area shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones, shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration, Wisconsin Division of Aeronautics, or other airport authority qualified by law to establish hazard zoning regulations. Landing and takeoff areas shall be located a minimum of one hundred fifty (150) feet from any zoning lot boundary and a minimum of five hundred (500) feet from any dwelling unit or residential zoning district.
3. **Limitations on the Location of Nearby Residential Structures.** Residential uses shall not be located within the approach path or within the sixty-five (65) L_{dn} unless measures to achieve a noise level reduction of 25 dBA (outdoor to indoor) are incorporated into the design and construction of the residential structures.
4. **Applicable Federal, State, and Local Regulations to be Met.** Helistops shall meet all applicable federal, State, and local regulations.

J. **Kennels.** Kennels shall meet the following requirements:

1. **Solid Waste and Feces Removal.** The disposal of all feces and other solid waste generated by

the kennel operation shall be reviewed and approved by the Village.

2. **Required Fencing.** All runs and kennel areas shall be fenced with chain link, solid wood fencing, or a masonry wall of a height to be determined by the Plan Commission. The fence or wall shall be of quality material and be neat in appearance.
3. **Noises, Smoke, and Odor.** Any training of animals shall not include the use of loud noises or produce smoke or odor. The kennel facility shall not generate adverse, off-site noise or odor impacts.
4. **Humane Society of the United States (HSUS) Guidelines to be Used.** *Humane Society of the United States (HSUS) Guidelines* shall be used, at a minimum, for the flooring, walls between kennels, drainage, heating and cooling, cage sizes, and runs.
5. **No Kennel Shall Abut a Residential Zoning District.** No kennel shall abut a residential zoning district.
6. **Number of Animals Limited.** The total number of animals housed in the kennel shall not exceed eight (8).
7. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)

K. **Mini-Warehouses.** Mini-warehouse facilities shall meet the following requirements:

1. **Limitations on Use of Facilities.** Such facilities shall be used only for the storage of materials or articles and shall not be used for assembly, fabrication, processing, or repair.
2. **Services and Sales Activities Prohibited.** No services or sales shall be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.
3. **Practice Rooms, Meeting Rooms, and Residences Prohibited.** Facilities shall not be used for practice rooms, meeting rooms, or residences.
4. **Outdoor Storage Prohibited.** No outdoor storage shall be permitted.
5. **Storage of Explosive or Highly Flammable Material Prohibited.** Storage of explosive or highly flammable material shall be prohibited.

L. **Motorcycle and Related Recreational Vehicle Sales and Service Uses (excluding boats).** Motorcycle and related recreational vehicle sales and service uses in the CBD District (excluding boats) shall meet the following requirements:

1. **Minimum Site Area.** The minimum total site area for a motorcycle and related recreational vehicle sales and service uses (excluding boats) in the CBD District shall be fifteen thousand (15,000) contiguous square feet.
2. **Required Landscape Bufferyard When Abutting Residential Zoning Districts.** When abutting a residential zoning district, motorcycle and related recreational vehicle sales and service uses (excluding boats) shall provide a sight-proof fence of approval landscaped screen between said motorcycle and related recreational vehicle sales and service uses (excluding boats) and the abutting residential zoning district.
3. **Screening of All Storage and Garbage or Waste Facilities.** All storage and garbage or waste facilities shall be screened from view, fully enclosed and permanently maintained.
4. **Lighting.** The site may be illuminated. Total cut-off light shall be at an angle of less than ninety (90) degrees and shall be located so that the bare light bulb, lamp or light source is completely shielded from the direct view of an observer five (5) feet above the ground at the point where the cut-off angle intersects the ground and so that no light can be viewed from any abutting residential zoning district. The maximum footcandle level shall be two (2.0) footcandles as measured at the

property line.

5. **Repair Services.** All repair services shall be performed within a completely enclosed building and shall meet the following requirements:
 - a. All storage of vehicles awaiting needed parts or repairs shall be within the building.
 - b. All damaged or non-operable parts shall be stored indoors until moved from the premises.
 - c. No outdoor vehicle testing shall be allowed, on premises.
6. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)

M. **Outdoor Nursery and Garden Sales.** Outdoor nursery and garden sales as either a principal use or accessory use shall meet the following requirements:

1. **Outdoor Sales of Merchandise to be Accessory to Enclosed Building.** There shall be an enclosed building with outdoor sales of merchandise accessory to said building.
2. **No Outdoor Display Permitted Not Accessory to Enclosed Building.** No outdoor display shall be permitted which is not accessory to an enclosed building.
3. **Maximum Area of Outdoor Sales.** The overall area of any outdoor sales accessory use shall not exceed the area of the principal enclosed building.
4. **Chemicals and Fertilizers.** The Plan Commission shall determine the extent, type, amount, and location of all chemicals and fertilizers.
5. **Bufferyards.** The required bufferyard intensity level factor shall be as indicated in Table 19.05.0307 of this Ordinance for the applicable zoning district(s).
6. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)

N. **Radio and Television Transmitting and Receiving Facilities.** Radio and television transmitting and receiving facilities shall meet the following requirements:

1. **Interference With Air Traffic Prohibited.** The proposed structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
2. **Interference With Radio and Television Reception Prohibited.** The proposed structure shall not result in interference with radio and television reception in nearby residential or nonresidential areas based upon the applicable Federal Communications Commission regulations.
3. **Minimum Setback Requirements.** There shall be a setback of sufficient radius around the antenna structure (as measured from the extremities of the antenna base) equal to the antenna tower height plus twenty-five (25) feet so that its collapse will be contained on the property.
4. **On-Site Locational Requirements for Radio and Television Receiving Facilities.**
 - a. An antenna structure shall be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard, but shall not be located closer to the street than the principal use (that portion of the principal use closest to the street). Any antenna located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard.
 - b. All satellite antennas shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height.

- c. Adequate space, as determined by the Plan Commission, shall be provided on-site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.
 5. **Maximum Height.** Such antennas and antenna structures shall not exceed a maximum height of one-hundred and fifty (150) feet.
 6. **Antennas and Antenna Structures To Be Structurally Self-Supporting.** All antennas and antenna structures shall be structurally self-supporting without the use of guy wires and shall be designed by a structural professional engineer licensed in the State of Wisconsin.
 7. **Advertising.** No form of advertising shall be allowed on the antenna, antenna structure, base, or framework.
 8. **Cable Installation.** All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.
 9. **Minimum Distance Between Antennas and/or Antenna Towers.** The minimum distance between any antennas which exceed a height of fifty (50) feet shall be one-half (0.5) mile as measured from the exterior base of the antenna or antenna structure.
 10. **Detailed Site and Landscape Plan Required to be Approved.** A detailed Site Plan and Landscape Plan shall be submitted to the Village Plan Commission pursuant to the Site Plan submittal requirements of Division 19.06.0100 and the Landscape Plan requirements of Division 1906.00300 of this Ordinance. (Ord. 005, Series 2004, Part 1)
- O. **Retail and Commercial Service Buildings In Excess of 20,000 Square Feet of Area.** The following requirements are applicable to all new retail and commercial service buildings in excess of twenty thousand (20,000) gross square feet and shall be conditional uses in the zoning districts in which they are allowed, except that a separate Conditional Use Permit is not required where such buildings are part of a PID District, PUD District, or BP District. All additions to existing retail and commercial service buildings, built either before or after the adoption of this Ordinance, which brings the total building size to over twenty thousand (20,000) gross square feet shall also require a Conditional Use Permit. The following standards are intended to ensure that large retail and commercial service buildings, and the sites they occupy, are properly located and compatible with the surrounding area and community character of the Village. Such projects shall also be subject to the more general standards for the approval of Conditional Use Permits or PUD Districts. (Ord. 008, Series 2001, Part 11).
1. **Compatibility with Village Plans.** The applicant shall provide, through a written report submitted with the petition for a Conditional Use Permit or rezoning application for the BP, PID, or PUD Districts, adequate evidence that the proposed building and overall development project shall be compatible with the Village's community character, urban design, natural area preservation, commercial development, redevelopment, or community facility objectives as expressed in adopted elements of the Village's master plan.
 2. **Building Materials.** Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of high and comparable aesthetic quality on all sides. Building materials such as glass, brick, decorative concrete block, or stucco shall be used, as determined by the architectural review board, plan commission, and village board. Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.
 3. **Building Design.** The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of twenty (20) percent of all of the combined façades of the structure shall employ actual façade protrusions or recesses. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to

eave or parapet to parapet for buildings over fifty thousand (50,000) square feet. Roofs with particular slopes may be required by the Village to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are within one hundred (100) feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than fifty (50) percent of their horizontal length. The integration of windows into building design is strongly encouraged.

4. **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. All sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the Village shall not require building entrances on more than two (2) sides of any building or on frontages facing and within three hundred (300) feet of the Interstate Highway.
5. **Building Color.** Building façade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors on façades shall be prohibited. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas, subject to the limitations in Section 19.03.0703(Q)(13).
6. **Building Location.** Modest building setbacks are encouraged. Where buildings are proposed to be distant from a public street, the overall development design shall include smaller buildings on pads or outlots closer to the street.
7. **Screening.** Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security and access, but not for screening, and shall be of high aesthetic quality.
8. **Traffic Impact.** All projects that include buildings over twenty thousand (20,000) square feet shall have direct access to an arterial street, or shall dedicate public roads which have direct access to a public street. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks. The site design shall provide direct connections to adjacent land uses if required by the Village. Prior to development approval, the applicant's traffic engineer shall complete and present a traffic impact analysis following Wisconsin Department of Transportation District Two guidelines. Where the project will cause off-site public roads, intersections, or interchanges to function below level of service C, as defined by the Institute of Transportation Engineers, the Village may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.
9. **Parking.** Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot. Parking lots in which the number of spaces significantly exceeds the minimum number of parking spaces required in Division 19.05.0200 of this Ordinance shall be allowed only with specific and reasonable justification. Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every twenty (20) spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred

(300) square feet in area. Landscaped medians shall also be used to break large parking areas into smaller pods, with a maximum of one hundred (100) spaces in any one pod.

10. **Natural Resources Protection.** Each project shall meet the natural resource protection standards set forth in Division 19.04.0100 of this Ordinance. In general, existing natural features shall be integrated into the site design as a site and community amenity.
11. **Landscaping.** On-site landscaping shall be provided per the landscaping requirements of the C-4 District. In addition to the number of plant units required in the C-4 District based on the total site area, the project shall provide:
 - a. Extensive building foundation landscaping for all building frontages facing public streets, parking lots, or residential districts to provide visual breaks in the mass of the building. Building foundation landscaping shall be placed so that, at maturity, the plant's drip line is within ten (10) feet of the foundation. Canopy/shade trees shall not be used to meet this requirement.
 - b. Extensive paved area landscaping for all parking, driveway, and loading areas to screen and provide visual breaks in the size of such paved areas. Canopy/shade trees shall be emphasized within landscaped islands, with shrubs, groundcover, or grass preferred to mulch or stones.
12. **Lighting.** On-site exterior lighting shall meet all the standards of Division 19.05.0400 of this Ordinance, except that total cut-off luminaires with angles of less than ninety (90) degrees shall be required for all pole and building security lighting. The color and design of pole lighting standards shall be compatible with the building and the Village's public lighting in the area, if a particular public lighting theme has been established for the area.
13. **Signage.** The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and colors throughout the development. All freestanding signage within the development shall compliment on-building signage. Monument style ground signs are strongly preferred over pole signs, and consolidated signs for multiple users are strongly preferred over multiple individual signs. The Village may require the use of muted corporate colors on signage if proposed colors are not compatible with the Village's design objectives for the area.
14. **Bicycle and Pedestrian Access.** The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties. Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. Internal pedestrian walkways must be distinguished from driving surfaces. Site design shall allow pedestrians to walk parallel to moving cars. The development shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location. The building shall provide awnings or other weather protection features within thirty (30) feet of all customer entrances.
15. **Central Areas/Features.** Each development which contains a building over fifty thousand (50,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.
16. **Cart Returns.** A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-

five (25) feet of the building.

17. **Impact on Existing Grafton Business Locations.** Where such a building is proposed as a replacement location for a business already located within the Village, the Village shall prohibit any privately imposed limits on the type of reuse of the previously occupied building through conditions of sale or lease. If the applicant requires such limits, the applicant may seek Village approval to demolish the previously occupied structure and prepare the site for future redevelopment.
18. **Waiver of Standards.** The Plan Commission may waive any of the above standards by a three-quarters (3/4) vote of members in attendance, but only if supplemental design elements or improvements are incorporated into the project which compensate for the waiver of the particular standard. (Ord. 005, Series 2004, Part 1)
19. **Hours of Operation.** Hours of operation shall be approved by the Plan Commission as a component of the Conditional Use Permit. (Ord. 005, Series 2004, Part 1)

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

The following requirements are applicable to all new retail and commercial service buildings in excess of fifty thousand (50,000) gross square feet (Large Format Commercial Uses) and shall require a Conditional Use Permit in the zoning districts in which they are allowed, except that a separate Conditional Use Permit is not required where such buildings are part of a PID District, PUD District, or BP District. The following standards are intended to ensure that:

- Large retail and commercial service buildings and the sites they occupy are properly located and are compatible with the surrounding area and the community character of the Village,
- Such projects meet a demonstrated public need.
- Such projects promote a practical and viable re-use of the structures and the development site within the context of the surrounding area.

Such projects shall also be subject to the more general standards for the approval of Conditional Use Permits or PUD Districts and to all of the requirements in Section 19.03.0703 (P) above.

1. **Reuse Plan Requirements.** As a condition to issuance of a building permit, the property owner/developer of large format commercial buildings shall provide one of the following to the Village as a condition of the approval of a conditional use permit for such buildings in excess of 50,000 square feet.
 - a. **Option I - Cash Contribution.** A cash contribution to the Village of \$15,000 for the first 50,000 square feet of floor area and \$0.10 for every additional square foot of usable space to fund the future costs to the Village of preparing a reuse plan. The Village will deposit the cash contribution in a separate non-lapsing interest bearing account with interest accruing to the benefit of the Village. The Village may use the funds to market the building for re-use and/or prepare or implement a redevelopment plan in the event that a building remains vacant for more than 24 months and during that time, (a) the owner fails to respond to written inquiries from the Village as to owner's marketing and re-use efforts, or (b) the owner requests the Village to undertake such efforts.
 - b. **Option II - Re-Use Plan.** A detailed reuse plan that clearly identifies the opportunities and challenges of planning for redevelopment of any large retail or commercial building.
 - 1) The Re-Use Plan for the large retail or commercial building shall:
 - a) Reaffirm the neighborhood vision and development characteristics of the area.
 - b) Enhance the quality of life and promotes a sense of community.
 - c) Integrate storm water management facilities as an essential design component of the site.
 - d) Ensure the appearance, visibility and the distinctive character of the development.
 - e) Provide site pedestrian and bicycling amenities

- f) Provide appropriate road access and internal traffic circulation.
 - g) Promote mixed use residential and commercial development concepts in the layout of the Re-Use Plan if appropriate.
- 2) **Adoption of the Re-Use Plan.** When the Re-Use Plan is complete, the Village Plan Commission shall recommend, and the Village Board shall accept, the Re-Use Plan. The Plan Commission shall review and modify the Re-Use Plan to reflect any adopted amendments to the Comprehensive Plan and then-current zoning regulations prior to implementing the Re-Use Plan. The Plan Commission may only modify the Re-Use Plan after mailing to the owner, by certified mail sent at least 10 days prior to the hearing, the proposed modifications and notice of a public hearing at which the Plan Commission shall consider the owner's comments.
- 3) **Implementation of the Re-Use Plan.** To reap the benefits of an Adopted Re-Use Plan requires consistent implementation. The Village must be prepared to:
- a) Review proposed land divisions, conditional use permits and planned developments based on conformance with the Plan.
 - b) Facilitate and approve only those developments that are consistent with the Adopted Re-Use Plan, paying particular attention to the proposed land use pattern, the density and intensity of the proposed development, community character and the availability of the appropriate infrastructure to support
2. **Waiver of Standards.** The Plan Commission may waive any of the above standards by a three-quarters (3/4) vote of members in attendance, but only if supplemental re-use elements are incorporated into the project which compensate for the waiver of the particular standard.
3. **Vacant Sites Maintenance Requirements.** As a condition of issuance of the conditional use permit for a large format commercial building, the property owner shall execute and the Village shall record, with the Ozaukee County Register of Deeds, a written notice stating that the owner of any vacated building shall:
- a. Remove snow and ice from all drives and sidewalks,
 - b. Eliminate weeds,
 - c. Maintain landscaping and keep lawns mowed,
 - d. Dispose of garbage and refuse,
 - e. Repair or replace broken windows with protective barriers, and
 - f. Maintain and illuminate security lighting.

These maintenance requirements shall run with the land and be binding on the then-current owner of the vacant building.

(Ord. 026, Series 2007, Part 1)

Q. **Stables, Public.** Public stables shall meet the following requirements:

(Ord. 026, Series 2007, Part 2)

1. **Minimum Lot Area.** The minimum lot area shall be ten (10) acres.
2. **Required Minimum Setbacks.** Front, rear, and side yard setbacks shall be a minimum of seventy-five (75) feet.
3. **Pasture Location.** Pasture area may extend to thirty (30) feet from the lot line.
4. **Manure Removal and General Maintenance.** Manure piles shall be stored, removed, and/or applied, according to applicable Village requirements. The operator of the stable shall be responsible for using good management practices to discourage undesirable odors and insects.

5. **Stable Location.** All points on the perimeter of any stable building or coral shall be at least seventy-five (75) feet from the nearest boundary line or right-of-way line of the parcel on which it is located.
6. **Feed and Bedding Storage.** All feed and bedding shall be stored indoors.
7. **Plan of Operation Required.** The applicant shall submit a plan of operation for the Plan Commission's review and consideration. (Ord. 005, Series 2004, Part 1)

R. **Pawn Shops and Check Cashing Stores.** Pawn and check cashing stores shall meet the following criteria:

1. **Pawn Shops defined.** A pawn shop is defined as any establishment which is involved in pawn brokerage, or the business of loaning money for himself or herself or for another person, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade, or exchange such articles to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase, whether such business be the principal or sole business so carried on or be merely incidental to, in connection with, or a branch or a department of some other business.
2. **Check cashing places, check cashing stores, pay day loan stores, non-chartered financial institution, and deferred presentment business defined.** A check cashing place, check cashing store, or non-chartered financial institution is defined as a business other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services and loans for payment of a percentage fee for cashing a check or negotiable instrument, "payday loan" businesses that make loans upon assignment of wages to be received, businesses that provide loans secured by title of vehicle unless the loan is made for the purpose of purchasing the vehicle, and businesses that function as deferred presentment business. A deferred presentment business is a business that makes transactions pursuant to a written agreement in which the licensee accepts a check and agrees to hold the check for at least three (3) days before presentment for payment or deposit. To simplify all references in this ordinance, from this point forward this use will be referenced in the all encompassing term "check cashing store."
3. **Conditional use consideration process.** When pawn shops and check cashing stores check are allowed for consideration in certain zoning districts by conditional use application all rules and regulations shall be applicable pertaining to Sections 19.03.0700 Conditional Use Standards and Regulations, Section 19.07.0103 Applications for Conditional Use Permit and all other pertinent rules and regulations of the Village of Grafton Municipal Code. In addition, this section of the Municipal Code shall provide specific rules and further regulations regarding pawn shops and check cashing stores. These rules and regulations will include collective standards that include both pawn shops and check cashing stores and exclusive standards that have specific application. The Plan Commission, in its authority, may utilize all required information and documentation to be submitted by the applicant as part of the application process in considering the conditional use permit application for a pawn shop or check cashing store.
4. **Collective standards that include both pawn shops and check cashing stores.** Pawn shops and check cashing stores shall meet the following requirements:
 - a. The place of business shall not be conducted in a disorderly manner, or in a manner that constitutes a public nuisance. The applicant shall take all measures reasonably within its power, including the refusal of service, if necessary, to insure that its customers do not congregate in a disorderly manner outside the place of business, do not obstruct the public sidewalks and street outside the place of business and do not act in a menacing or harassing manner on said sidewalks and streets.
 - b. The store operators shall adequately police the store and storefront to prevent the accumulation of litter, and shall maintain a sufficient number of trash receptacles in and in front of the premises. The premises shall be utilized only for the type of business (use) described and represented in a plan of operation document submitted to the Plan Commission as part of the conditional use consideration process. Full compliance with the submitted and Plan Commission approved plan of operation document is mandated.
 - c. Any change of operation or in operation, as well as any change in the ownership of the premises including a transfer of stock (certificate) which results in a change of control,

shall require full review of an amended plan of operation by Plan Commission, at which time they may be amended, modified, supplemented, or revoked as necessary. The Plan Commission may also, dependent upon the size and type of amendment to the plan of operation, may require the applicant to formally amend the conditional use permit pursuant to Section 19.07.0103 of the Municipal Code.

- d. All requirements of Chapter 9.63 Digital Imaging Security System Requirements of the Municipal Code will apply to pawn shops and check cashing stores.
 - e. Pawn shops and check cashing stores shall comply with all federal law and regulation and all State of Wisconsin law and regulations.
 - f. A background check of the owner and/or store operator will be conducted by the Village of Grafton Police Department and provided to the Plan Commission prior to consideration of a conditional use permit.
5. **Specific standards and regulations for pawn shops.** Pawn shops will be required to provide additional information as part of their conditional use permit application to the Plan Commission. These requirements for individuals, partnerships, and corporate pawn shops are as follows:
- a. The name, place and date of birth, street resident address, and phone number of the applicant.
 - b. Any other name used by the applicant, and if so, the name or names used and information concerning dates and places where used.
 - c. The name of the business if it is to be conducted under a designation, name, or style other than the name of the applicant.
 - d. The street addresses at which the applicant has lived during the preceding 5 years.
 - e. The type, name, and location of every business or occupation in which the applicant has been engaged during the preceding 5 years and the name(s) and addresses of the applicant's employers and partners, if any, for the preceding 5 years.
 - f. Whether the applicant has ever been convicted of a felony, crime, or violation of any ordinance other than a traffic ordinance. If so, the applicant shall furnish information as to the time, place, and offenses for which convictions were had.
 - g. The physical description of the applicant and identification card of the applicant, agent, owner, operator, and all store management.
 - h. The name of the store and all management staff, proprietor(s), or other agent(s) in charge of the business and all applicable information concerning each manager, proprietor, or agent.
 - i. While in operation the pawn shop must provide the Village of Grafton Police Department a report of all weekly receipts that thoroughly describe the items received and sold by the store including a copy of a photograph identification card of the customer pawning a given item.
6. **Pawn shop bond requirements.** As an additional requirement for pawn shops a bond will be required in the amount of to be determined by the Plan Commission for a period that is valid for up to 3 months after the pawn shop closes permanently or relocates to another location. The purpose of this bond is to insure that the original owners of pawned items in the pawn shops possession prior to the permanent closing are given the opportunity to procure these items. In determining the bond amount at the time of the conditional use consideration process the Plan Commission may take into account the size of the proposed store, the type of items that will commonly be obtained by the pawn shop, projected revenue and inventory, and operational history.
7. **Technology.** The Village of Grafton Police Department may use any available technology or data as allowable by Wisconsin Statutes to accomplish the goals and objectives of this ordinance.
8. **Legal non-conforming uses.** Any legal operation of a pawn shop or check cashing store prior to the adoption of this ordinance shall be considered a legal non-conforming use pursuant to Section 19.03.1000 of the Municipal Code. However, any expansion or modification of a legal non-

conforming use under the provisions of these regulations as it relates to pawn shops or check cashing stores will evoke the requirements of this ordinance.

(19.03.0703(S) – Ord. 002, Series 2010, Part 1)

S. Tourist Rooming Houses. Tourist rooming houses shall meet the following requirements:

1. Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number of bedrooms in the dwelling unit.
2. The maximum stay for any party other than the owner of the premises shall be 30 consecutive days.
3. The number of guest vehicles allowed on-site is limited to the number of bedrooms in the unit.
4. No recreational vehicle or tent may be used for living or sleeping purposes.
5. The appearance of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust, or vibrations that can carry beyond the premises.
6. The availability of the tourist rooming house to the public shall not be advertised on-site.
7. The tourist rooming house must be licensed by the State of Wisconsin and meet all requirements including room tax payments.

(Ord. 008, Series 2014, Part 2)

SECTION 19.03.0704 SITING AND CONSTRUCTION OF MOBILE SERVICE SUPPORT STRUCTURES AND FACILITIES

A. This section shall regulate (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. The proposed tower, antenna, and equipment shall meet the requirements of Wis Stats. 66.0404, as amended, including the following.

B. Definitions.

1. Class 1 Collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
2. Class 2 Collocation: The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
3. See Wis Stats. 66.0404, as amended, for other definitions.

C. Application Process.

1. The siting and construction of any new mobile service support structure and facilities and a class 1 collocation is a conditional use. A written permit application must be completed by any applicant and submitted to the Village. The application information and review process listed in Wis. Stats. 66.0404 (2) shall apply.
2. A class 2 collocation is a permitted use. A written permit application must be completed by any applicant and submitted to the Village. The application information and review process listed in Wis. Stats. 66.0404 (3) shall apply.
3. General review standards in this Zoning Ordinance for conditional uses shall not apply to mobile service support structure and facilities.

D. On-site Locational Requirements.

1. An antenna shall be located within the rear yard of the property except for corner lots. On corner lots, the antenna may be located in the portion of the lot which functions as a rear yard, but shall not be located closer to the street than the principal use (that portion of the principal use closest to

- the street). Any antenna located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard.
2. All equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height.
 3. Adequate space, as determined by the Plan Commission, shall be provided on-site for antenna and antenna structure maintenance vehicles to access and maneuver on the property.
- E. **Interference With Air Traffic Prohibited.** The proposed antenna or antenna structure shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
- F. **Antennas and Antenna Structures To Be Structurally Self-Supporting.** All antennas and antenna structures shall be structurally self-supporting without the use of guy wires and shall be designed by a structural professional engineer licensed in the State of Wisconsin.
- G. **Screening.** All ground equipment shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height.
- H. **Advertising.** No form of advertising shall be allowed on the antenna, antenna structure, base, or framework.
- I. **Cable Installation.** All cable to and from the antenna and/or antenna structure shall be installed underground unless the antenna is mounted on a building where cable will go directly into the structure.
- J. **Removal of Antenna Facilities Upon Abandonment.** A bond or irrevocable letter of credit will be provided to the Village for use by the Village for the removal of the antenna facilities if the antenna facilities are abandoned or no longer used.
- K. **More Than One Service Provider Allowed To Use Antenna Facilities.** The applicant shall allow the sharing of antenna facilities with at least two other service providers through the use of a “co-location” agreement.

(Ord. 006, Series 2014, Part 2)

DIVISION 19.03.0800 ACCESSORY AND TEMPORARY USE STANDARDS AND REGULATIONS

SECTION 19.03.0801 GENERAL STANDARDS FOR ACCESSORY USES

- A. **Accessory Uses.** Accessory uses and structures are permitted in any zoning district but not until the principal structure is present or under construction on the lot or parcel. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servants, owners, itinerant agricultural laborers, and watchmen's temporary quarters, not for rent; detached decks; private swimming pools; and private emergency shelters.
- B. **Location.** No part of an accessory building shall be within the front yard or required side yard or rear yard, except:
1. **Required Minimum Distance from Alley Right-of-Way.** When an alley exists, no part of an accessory building shall be closer than five (5) feet to the right-of-way line of said alley.
 2. **Area of Accessory Building (except Garages).** That this shall not prohibit the erection of one (1) accessory building not exceeding one hundred fifty (150) square feet in area to be no closer than three (3) feet to the side and rear lot lines.
 3. **Garages.** (See Title 16 "Buildings and Construction" of the Village of Grafton Municipal Code for applicable location requirements.)
- C. **Time of Construction.** No accessory building or structure shall be constructed on any lot before the start of construction of the principal building to which it is accessory.

- D. **Percentage of Required Rear Yard Occupied.** No accessory building or buildings shall occupy more than twenty (20) percent of the area of a required rear yard.
- E. **Height of Accessory Buildings, Structures, or Garages in Required Rear Yards.**
1. No accessory building or structure, or portion thereof, located in a required rear yard shall exceed the maximum permitted height of the zoning district in which the accessory building or structure is located.
 2. No accessory building or structure shall exceed a high of fifteen (15) feet except in the A-1, A-2, and A-3 Districts.
- F. **No Slab Required for Accessory Buildings of 150 Square Feet or Less in Area.** Accessory buildings of one hundred fifty (150) square feet or less in area (excluding trash and garbage waste receptacles, or dumpsters, in all zoning districts) shall not require a concrete slab foundation. If a concrete slab foundation is not provided for such accessory building, the flooring shall be constructed of decay resistant wood and the building shall be securely anchored to the ground.
- G. **Maximum Number of Accessory Buildings (including Garages) Per Lot.** There shall be no limitation on the maximum number of accessory buildings in the A-1, A-2, and A-3 Districts. The maximum number of accessory buildings plus attached garages per zoning lot in the R-RE, R-E, R-1, R-S, R-2, R-3, R-4, R-5, and R-6 Districts shall be two (2). The maximum number of accessory buildings and structures per zoning lot in the MFR-1, MFR-2, CBD, C-1, C-2, C-3, C-4, O, BP, M-1, PID, I, PR, and PUD Districts shall be determined by the Plan Commission at the time of Site Plan review. (Also see Section 19.02.0206 regarding the maximum number of principal buildings on a zoning lot.) (Ord. 008, Series 2001, Part 12)

SECTION 19.03.0802 DETAILED STANDARDS FOR ACCESSORY USES IN RESIDENTIAL DISTRICTS

The following are detailed standards for certain accessory uses which are permitted accessory uses in residential districts:

- A. **Automobile or Motor Vehicle Repair in Residential Districts.** The repair of an automobile or a motor vehicle in any residential or agricultural zoning district is subject to the following restrictions:
1. **Minor Repairs and Maintenance.** Only minor repairs and maintenance may be done on vehicles owned by the occupant of the structure which, for purposes of this Paragraph, are the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil; the replacement of sparkplugs or ignition points; the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.
 2. **Other Repairs.** Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces that are properly ventilated and only accomplished on privately registered vehicles lawfully licensed.
- B. **Fences.**
1. **General.** The following are required of all fences installed in the Village of Grafton:
 - a. All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard. All fences shall be constructed and maintained straight, plumb, and of an even height along its length, except such deviations as required by grade.

- b. No advertising or signs shall be permitted on any fence in any zoning district.
- c. No materials shall be stored between a fence located adjacent to a lot line and the lot line.
- d. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or public street.
- e. Snow fencing will only be permitted between November 15 and April 15 of the following year.

2. **Fencing in Residential Zoning Districts.**

- a. Fences having a height of six (6) feet or less may be used to locate property lines within the required side and rear yard areas in the residential districts.
- b. Fences may not be within the front yard, except decorative fencing not exceeding a maximum height of four (4) feet may be installed within the front yard areas in the residential districts. Chain-link fences shall not be allowed in the front yards of residential districts.
- c. In MFR-1, MFR-2, and residential PUD Districts, where aesthetic appearance may require a fence or wall to shield parking lots or other unattractive areas or to generally improve the aesthetics of the development, a wall or fence may be erected in the front yard of the development by approval of the Plan Commission, and which approval may include design or other architectural requirements.
- d. No barbed wire, chicken wire (except for gardening purposes), razor wire, or electrically charged fences shall be allowed in residential zoning districts.

C. **Accessory Buildings.** Accessory buildings not elsewhere defined in this Section shall meet the following minimum requirements in the R-RE, R-E, R-S, R-2, R-3, R-4, R-5, and R-6 Districts:

1. **Minimum Required Setbacks.**

- a. Accessory buildings (excluding detached garages) one hundred fifty (150) square feet or less shall have a minimum side and rear yard setback of three (3) feet.
- b. Accessory buildings (including detached garages) between one hundred fifty (150) and seven hundred twenty (720) square feet in area on parcels of land or lots having an area of forty thousand (40,000) square feet or less, shall have side and rear yard setbacks the same as those of the principal structure.
- c. Masonry constructed accessory buildings (including detached garages) up to twelve hundred (1,200) square feet in area, shall have the side and rear yard setbacks the same as those of the principal structure on lots greater than forty thousand (40,000) square feet in area.

2. **Maximum Accessory Building Area.**

- a. On parcels of land or lots having an area of forty thousand (40,000) square feet or more, maximum size of wood-frame constructed accessory buildings (including detached garages) shall be nine hundred (900) square feet.
- b. Any masonry constructed accessory building (including detached garages) may be up to twelve hundred (1,200) square feet in area on lots greater than forty thousand (40,000) square feet in area.

D. **Home Occupations and Home Offices.** The following specific standards shall be used for home occupations and home offices located as accessory uses in all residential districts and in the A-1, A-2, and A-3 Districts:

1. **Home Occupation Employees.** No more than one (1) person shall be employed on the premises at any one time other than persons residing on the premises.
2. **Maximum Floor Area Permitted to be Used for Home Occupation.** The use of the dwelling unit for the home occupation or home office shall be clearly incidental and secondary to its use for residential purposes. No more than twenty-five (25) percent of the floor area of the dwelling unit habitable living area shall be used in the conduct of the home occupation or home office. No outside display, storage, or use of land is permitted.
3. **No Change in the Outside Appearance of the Building, Accessory Structure, or Premises Permitted.** There shall be no change in the outside appearance of the building, accessory structure, or premises because of such home occupation or office, except for an unlighted sign or nameplate, not more than one (1) square foot in total area, attached to and not projecting from the building.
4. **Conduct of Home Occupation in Accessory Building or Structure Prohibited.** No home occupation or home office shall be conducted in any accessory building or structure or outdoors.
5. **Use of Mechanical and Electrical Equipment.** No mechanical equipment shall be used on the premises, except such that is normally used for purely domestic or household purposes. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage greater than that normally associated with household use. Computer and communication equipment that meets the aforementioned criteria which can be purchased for use in the home shall be considered as "normally associated with household use."
6. **Sale and Display of Commodities and Goods.** No commodity or good not produced on the premises shall be sold on the premises nor displayed on the exterior or interior of the premises, or warehoused on the premises for sale elsewhere. This does not preclude taking orders for sales or provision of services off-site.
7. **Traffic.** No vehicular or pedestrian traffic shall be generated by such home occupation or home office in greater volume than would normally be expected from the principal use. For measuring vehicular traffic, criteria established in the most current edition of the Institute of Transportation Engineer's publication titled *Trip Generation* shall be used. There shall be no more than one (1) commercial delivery or pick-up per day.
8. **Levels of Noise, Emissions, Radiation, Vibration, Heat, Glare, Smoke, Dust, Fumes, Odors, or Electrical Interference.** There shall be no levels of noise, emissions, radiation, vibration, heat, glare, smoke, dust, fumes, odors, or electrical interference created which is detectable to the normal senses outside the dwelling unit greater than that normally associated with household use.
9. **Refuse.** No refuse greater than the amount allowable for regular residential pickup shall be generated by any home occupation.
10. **Nuisance Causing Activities.** No home occupation shall cause or create any nuisance, cause or create any substantial or undue adverse impact on any adjacent property or the character of the area; or threaten the public health, safety or general welfare; or be noxious, offensive, or hazardous.
11. **Materials Which Decompose by Detonation Prohibited.** No dangerous or unlawful amounts of hazardous or volatile materials, or dangerous or unlawful amounts of materials which decompose by combustion or detonation shall be allowed with a home occupation in excess of the amount that would be allowed by law if the home occupation did not exist.
12. **Public Utility Use Exceeding Typical Residential Dwelling Unit Demand Not Permitted.** No home occupation shall be permitted which generates sewerage or water use greater than what is typical for a residential dwelling unit.

E. **Trash Dumpsters and Garbage Receptacles (Trash and Garbage Storage).** The following requirements shall be met for trash dumpsters and garbage receptacles located in the MFR-1, MFR-2, and multiple-family PUD residential districts:

1. **Centralized Location(s) of Trash Dumpsters and Garbage Receptacles Required.** All new multiple-family residential buildings and uses, except for single-family and two-family dwellings, shall provide facilities for the central and accessible storage of solid waste within the parcel or lot. The location of said facilities shall be approved by the Plan Commission. Multiple locations may be required by the Plan Commission.
2. **Trash Dumpster and Garbage Receptacle Enclosures Required.** All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas totally. Where such facilities are provided outside a building, they shall be screened from public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.
3. **Trash Dumpster and Garbage Receptacle Maintenance Required.** Fencing and landscaping for storage areas shall be maintained in good condition and kept litter-free. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents thereof properly disposed of not less than once every seven (7) days.
4. **Unenclosed Storage of Trash or Waste Prohibited.** No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
5. **Trash Dumpster and Garbage Receptacle Location in Off-Street Parking Space or Drive Prohibited.** No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
6. **Concrete Slab Required.** All trash dumpsters and garbage receptacles shall be placed upon a concrete slab that has a thickness of not less than five (5) inches.
7. **Adequate Size to Accommodate Recycling Materials.** All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.

SECTION 19.03.0803 DETAILED STANDARDS FOR ACCESSORY USES IN NONRESIDENTIAL DISTRICTS

A. **Agricultural Equipment, Storage of.** The storage of agricultural equipment such as but not limited to tractors, trailers, fertilizer spreaders, wagons, planters, and the like, as a use accessory to a permitted use in the A-1, A-2, and A-3 Districts, shall be subject to the following requirements:

1. **Use of Equipment.** The equipment shall be used in association with the permitted use.
2. **Outdoor Storage of Junk.** The outdoor storage of junk is prohibited.
3. **Motor Vehicle Sales Prohibited.** This provision shall not be used to permit the establishment of motor vehicle sales as a use within the A-1, A-2, and A-3 Districts.
4. **Outdoor Inoperable Machinery Prohibited.** The outdoor accumulation of inoperable machinery is prohibited.

B. **Canopies as Accessory Uses.** The canopies provided over the pump islands at gas stations, convenience stores with gas pumps, automobile and motor vehicle service stations, drive-in and drive-thru facilities associated with financial institutions, restaurants, cleaners, and similar uses, shall meet the yard

requirements of a principal structure. In addition:

1. **Obstruction of Visibility at Rights-of-Way Prohibited.** The canopy shall not block visibility at intersections of rights-of-way or drives.
2. **Zoning District Front Yard Requirements Shall Be Met.** All pump islands, their surrounding structures, and the canopy overhang shall meet the zoning district's front yard requirement.
3. **Canopies to be Counted Toward Maximum Permitted GFAR and NFAR.** All canopies shall be counted toward the maximum permitted gross floor area ratio (GFAR) and maximum net floor area ratio (NFAR) of the nonresidential zoning district in which the canopy is to be constructed.
4. **Maximum Height.** Under no circumstances shall the underside of the canopy as measured at the bottom of its exterior fascia be higher than sixteen (16) feet.
5. **Signs Not Permitted.** No signs shall be permitted on canopy roofs or fascia; provided, however, that this requirement shall not prevent use of distinctive color schemes on the canopy fascia generally identified with the owner or operator.

C. **Fences.**

1. **General.** The following are required of all fences installed in the Village of Grafton:
 - a. All fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is detrimental to human life or safety or causes a traffic hazard. All fences shall be constructed and maintained straight, plumb and of an even height along its length, except such deviations as required by grade.
 - b. No advertising or signs shall be permitted on any fence in any zoning district.
 - c. No materials shall be stored between a fence located adjacent to a lot line and the lot line.
 - d. Fencing shall be constructed with the finished or decorative side facing the adjacent or abutting property or street.
 - e. Snow fencing will only be permitted between November 15 and April 15 of the following year.
2. **Fencing in Nonresidential Zoning Districts (excluding A-1, A-2, A-3, I, and PR Districts).**
 - a. Fences may be located in side and rear yards only (not in street yard) in nonresidential zoning districts.
 - b. Fences installed in nonresidential zoning districts shall not exceed six (6) feet in height, except when required to enclose outside storage areas or when approved by the Plan Commission may be up to ten (10) feet in height.
 - c. Fencing constructed to enclose outside storage areas shall be at least eight (8) feet in height and in no case lower in height than the enclosed storage area.
 - d. Barbed wire may be allowed on the top of fences eight (8) feet or more in height.
 - e. All fencing constructed to enclose outside storage areas in nonresidential zoning districts shall be approved by the Plan Commission.

3. **Fencing in the A-1, A-2, and A-3 Zoning Districts.**
 - a. Fencing shall be permitted in all yards in the A-1, A-2, and A-3 Districts and in all yards on legal nonconforming agricultural uses for replacement of existing fencing. Fencing shall be permitted in front yards only for the enclosure of cultivated fields, pastures and animal pens.
 - b. Fencing for areas other than those described in Paragraph a. above shall comply with the residential zoning district fencing requirements.
 - c. Fencing may be constructed in the A-1, A-2, and A-3 Districts for cultivated fields and pastures before a principal structure is present.
4. **Location of Fencing in the I and PR Zoning Districts.** Fencing more than six (6) feet in height, enclosing a park, elementary, middle or a high school site shall be permitted in all yards.

D. **Mechanical Penthouses and Mechanical Accessory Structures.** Where mechanical penthouses are installed, they shall be designed to blend into the building's architecture and shall not cause the building's total height to exceed the maximum height allowed as required under the zoning district dimensional requirements set forth in Divisions 19.03.0200 and 19.03.0300 of this Ordinance. A penthouse shall not be counted as a story, if:

1. The penthouse is less than ten (10) feet in height.
2. The penthouse floor area covers less than twenty-five (25) percent of the roof area.
3. If a mechanical accessory structure is supplied, it shall be fully screened from view by a combination of berms and evergreens. This screening shall be approved by the Plan Commission.

E. **Open Storage, Screening of.** Non-residential outdoor storage areas shall be screened from view of any public street and from the view from all residential zoning districts as follows:

1. **Plan Commission Approval Required.** All proposed outdoor storage areas for non-residential uses shall require Plan Commission review and approval. The Plan Commission will review the outdoor storage area taking into account characteristics such as aesthetic design, traffic management, minimal adverse impact to adjacent properties, minimal interference with surrounding development, compliance with development standards, and any criteria the Plan Commission sees fit within its powers and duties as established by the zoning code. (Ord. 014, Series 2011)
2. **Visible from a Public Street.** When an outdoor storage area is visible from a public street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six (6) feet in height, with access only through solid gates that shall be closed except when said storage area is in use or customer service is being provided. An existing permanent structure may be used to screen such storage areas. If the outdoor storage area is comprised of a solid masonry wall the gates shall be non-opaque and decorative in nature. If the wooden fence option is utilized the gates shall match the fencing and be non-opaque in nature. In no case shall an outdoor storage area be allowed in the actual front yard of any non-residential property. (Ord. 014, Series 2011)
3. **Abutting a Residential Zoning District.** When an outdoor storage area abuts a residential zoning district or any legally conforming residential use, the method of screening shall consist of a solid non-opaque wooden fence or masonry walls at least six (6) feet in height along the boundary of the storage areas. The gates shall not face any residential zoning district or legally conforming residential use. In addition, the entire residential district boundary must be screened with a solid non-opaque wooden fence or masonry wall at least six (6) feet in height with deciduous trees planted every twelve (12) feet (on center) with a minimum tree height at planting of six (6) feet. (Ord. 014, Series 2011)

4. **Fencing.** All fencing shall conform to the requirements of Section 19.03.0803(C). (Ord. 014, Series 2011) (Ord. 014, Series 2011)
 5. **Temporary Outdoor Uses.** Temporary uses identified in Section 19.03.0804 such as farmers markets, greenhouses and other temporary uses as approved by the Plan Commission are exempt from this section. (Ord. 014, Series 2011)
- F. **Roadside Stands for the Sale of Agricultural Products.** The following specific standards shall be used in the A-1, A-2, and A-3 Districts:
1. **Off-Street Parking and Loading.** The use shall provide for all required off-street parking and loading on private property.
 2. **Vehicular Access to Public Street.** The use shall be located along and have direct vehicular access to a public street.
 3. **Sales or Display on Public Lands Prohibited.** No sales or display activity shall be located on public land.
 4. **Access.** Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Ozaukee County, and/or the Village of Grafton.
 5. **Use Location.** The use shall be located on a commercially productive farm.
- G. **Stables, Private.** The following specific standards shall be used in the A-1, A-2, and A-3 Districts:
1. **Minimum Lot Area.** The minimum lot area shall be two (2.0) acres. This minimum lot area shall be increased by forty thousand (40,000) square feet for each equine in addition to two (2).
 2. **Required Setbacks.** The following minimum setbacks shall also be provided:
 - a. On parcels of land less than two hundred thousand (200,000) square feet, all feed and bedding shall be stored indoors.
 - b. On parcels of land two hundred thousand (200,000) square feet or more, piles of feed or bedding shall be located a minimum of seventy-five (75) feet from any public street right-of-way or lot line of an adjacent nonresidential district and one hundred (100) feet from any lot line of an adjacent residential district lot line, to minimize odor and nuisance problems.
 3. **Pasture Location.** Pasture area may extend to the lot line.
 4. **Manure Maintenance.** Manure piles shall be stored, removed, and/or applied according to applicable Village requirements.
 5. **Stable Location.** All points on the perimeter of any stable building or corral shall be at least thirty (30) feet from the nearest boundary line or right-of-way line of the parcel on which it is located.
- H. **Trash Dumpsters and Garbage Receptacles (Trash and Garbage Storage).** The following requirements shall be met for trash dumpsters and garbage receptacles in nonresidential districts:
1. **Trash Dumpster and Garbage Receptacle Enclosures Required.** All garbage cans, trash dumpsters, trash containers, and other storage devices situated on any property shall be closed containers with lids and shall be concealed or suitably screened from public view. Sight-proof fencing (wood or masonry) and landscaping shall be used to obstruct vision into the storage areas totally. Where such facilities are provided outside a building, they shall be screened from public

rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.

2. **Trash Dumpster and Garbage Receptacle Maintenance Required.** Fencing and landscaping for storage areas shall be maintained in good condition and kept litter-free. All garbage cans, trash containers, and other garbage storage devices shall be emptied and the contents thereof properly disposed of not less than once every seven (7) days.
3. **Unenclosed Storage of Trash or Waste Prohibited.** No portion of the lot shall be used for open or unenclosed storage of trash or waste of any kind.
4. **Trash Dumpster and Garbage Receptacle Location in Off-Street Parking Space or Drive Prohibited.** No trash dumpster or other trash or waste receptacle shall be permitted in any off-street parking space or drive.
5. **Concrete Slab Required.** All trash dumpsters and garbage receptacles shall be placed upon a concrete slab that has a thickness of not less than five (5) inches.
6. **Adequate Size to Accommodate Recycling Materials.** All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.

I. **Car Wash Facilities. General.** Car wash facilities shall be allowed only as an accessory use to a primary use or building, that is a permitted use or has an approved conditional use permit, and that has the primary focus of selling retail gasoline or fuel. The accessory use allowance does not apply if the car wash facility use is already specified as a permitted or conditional use in a particular zoning district. The following specific standards shall apply:

1. Stand-alone car washes not associated with, on the same premises as, coincide with or contiguous to a retail or gasoline fuel station are not allowed, unless already outright specified as a conditional use in a particular zoning district.
2. Only automated wash facilities may be used.
3. The proposed accessory use of a car wash must show no negative impact on the storm sewer system and environment including wetlands, woodlands, streams, ponds, slopes, flora, and fauna.
4. The proposed accessory use of a car wash must demonstrate safe internal site traffic patterns and external site traffic patterns and counts acceptable to the Plan Commission.
5. The proposed accessory use must not have a detrimental impact on surrounding uses within the area.
6. A maximum of one vehicle in the washing cycle will be allowed per car wash bay facility.
7. A maximum of 2 vacuum machines per car wash bay facility.
8. The operating doors of the car wash facility should be closed at all times except vehicle entry and exit or maintenance.
9. Car wash facility will conform to all density, setback, and other site requirements spelled out in the particular zoning district that it is to be located.
10. All water and chemical usage shall comply with State and Federal Regulations or any further measures established by the Plan Commission.
11. A maintenance plan focused on keeping the facility and site clean shall be submitted to the Plan Commission.
12. The car wash facility shall only operate during the established hours of the primary use.

(Ord. 014, Series 2004)

J. **Transient Street Merchant.** It shall be unlawful, except for listed exceptions, for any street merchant to engage in direct retail sales within the Village of Grafton limits without being registered as a “Transient

Street Merchant” at the Village of Grafton Planning and Development Department. “Transient Street Merchant” registration is not required for events held or sponsored by the Grafton Area Chamber of Commerce, Village of Grafton or other similar civic institutions, or charitable entities with operations in or related to the Village of Grafton as approved by the Plan Commission. Further exemptions or common situations that do not require registration: 1) Any person or entity involved in typical home deliveries such as, but not limited to, medicinal products, newspapers, fuel products, dairy products or bakery goods to regular customers; 2) Any person selling agricultural products, such as a farmer’s market, which such person(s) has grown and is sold based on restrictions identified in Section 19.03.0803 (F) of the Village of Grafton Zoning Code; 3) Any person(s) holding a sale required by Wisconsin State Statute or by order of any court and any person conducting a bona fide auction sale pursuant to law; 4) any religious organizations for which there is provided proof of tax-exempt status pursuant to Sec. 501(c)(3) of the United States Internal Revenue Code shall be exempt from the requirements of providing an application and registration fee, and 5) any veteran of the United States Armed Forces who holds a special State of Wisconsin license pursuant to Section 440.151, Wis. Stats., shall be exempt from providing an application and registration fee, if such veteran provides the Director of Planning and Development with the following information: a) the veteran's name and permanent address; b) the nature of the proposed transient street business; c) proposed dates and times of transient street operation; and d) copy of State of Wisconsin license pursuant to Sec. 440.151, Wis. Stats. The sponsoring entity, as allowed in this ordinance or by the Plan Commission will then have the authority to approve or deny any street merchant operation within 50 feet of the event boundaries.

1. Definitions.

- a. **Transient Street Merchant** is defined as a direct seller without a permanent business establishment of address in the Village of Grafton and an individual who, for him/herself, or for a partnership, association or corporation, or as an employee, sells goods directly or takes sales orders for the promised future delivery of retail goods. These businesses may sell, but are not limited to retail items such as special event clothing, periodicals, tourist merchandise, food from a cart, food from a stand or food from a bicycle or automotive vehicle;
- b. **Goods** shall include personal property items for retail sale in the present or for a promised future delivery date;
- c. **Charitable Organization** shall include any benevolent, religious, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such;
- d. **Director of Planning and Development** shall mean the Director of Planning and Development of the Village of Grafton;
- e. **Applicant** shall mean each individual or entity applying for registration and licensing as a Transient Street Merchant;
- f. **Registrant** shall mean each individual registered by the Director of Planning and Development whom a Transient Street Merchant permit has been issued.

- 2. Registration.** Applications for the registration and permit for a Transient Street Merchant business must be completed and returned to the Director of Planning and Development. The registration forms furnished by the Director of Planning and Development which shall require the following information from the applicant: 1) name, permanent address and telephone number, and temporary address, if applicable; 2) height, weight, color of hair and eyes, and date of birth; 3) name, address and telephone number of the person, firm, association or corporation that the Transient Street Merchant represents or is employed by, or whose merchandise is being sold; 4) temporary address and telephone number from which business will be conducted, if applicable; 5) nature of business to be conducted and a brief description of the goods offered and any services offered; 6) proposed method of delivery of goods, if applicable; 7) make, model and license number of any vehicle to be used by applicant in the conduct of his business; 8) last cities, villages, towns, not to exceed three, where applicant conducted similar business just prior to making this registration; 9) place where applicant can be contacted for at least seven days after leaving the Village of Grafton; 10) statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, the nature of the offense and the place of conviction, and 11) proof of insurance shall be provided to the Director of Planning and

Development with a copy of the policy and shall include additional liability coverage in the name of the Village of Grafton and covering the Village of Grafton at a minimum limit of \$1,000,000.

3. **Documentation.** Each applicant shall present to the Director of Planning and Development: 1) a valid driver's license or some other proof of identity as may be reasonably required; 2) a certificate of examination and approval from the designated State of Wisconsin sealer of weights and measures where applicant's business requires use of weighing and measuring devices as approved by the designated State of Wisconsin authority; 3) the designated health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under Wisconsin State law; such certificate to indicate that applicant is apparently free from any contagious or infectious disease, dated not more than ninety days prior to the date the application for license is made.
4. **Application/Registration Fee.** No application shall be processed until the registration fee of \$300.00 has been paid to the Director of Planning and Development. A separate application and registration fee of \$300.00 shall be paid for each additional Transient Street Merchant within a given organization or entity. Only one cart/mobile stand will be allowed for each Transient Street Merchant, but organizations/entities may have up to three individual attended carts (assuming three Transient Street Merchant permits have been issued for that organization/entity). All permits shall expire after one year and must be renewed annually with a registration fee of \$300.00. If a Transient Street Merchant permit has expired prior to the applicant's/registrant's submittal for renewal, the registration fee will increase to \$400.00. Transient Street Merchant fees are non-transferrable.
5. **Review of Application and Appeal of Non-Registration Decision.**
 - a. Upon receipt of each application, the Director of Planning and Development will refer a copy immediately to the Chief of Police who may make and complete an investigation of the information provided and statements made in such registration.
 - b. The Director of Planning and Development shall refuse to register the applicant and issue a Transient Street Merchant permit if it is determined, pursuant to investigation, that: the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received against the applicant by authorities in the last cities, villages and towns in which the applicant conducted similar business; the applicant was convicted of a crime, statutory violation or ordinance violation within the last five years and the nature of which is directly related to the applicant's suitability to engage in the direct selling as a Transient Street Merchant; or the applicant failed to comply with any applicable provision of this section.
 - c. Any person denied registration and a permit may appeal this denial before the Plan Commission.
6. **Registration and Issuance of Transient Street Merchant Permit.** Upon compliance with the foregoing requirements and payment of the registration fee as hereinafter set forth, the Director of Planning and Development shall register the applicant as a Transient Street Merchant and issue a permit to the applicant. The registrant shall be operative only during the days requested on the registration form. The permit shall contain the signature of the Director of Planning and Development, the name and address of the Transient Street Merchant, the type of goods or services being sold, the dates during which the permit is operative and the license number of any vehicle used for sales or solicitations. Registrants shall display their permit at the request of any citizen, customer, or police officer.
7. **Regulation of Transient Street Merchants.** Prohibited Transient Street Merchant operational practices shall include, but are not limited to, the following:
 - a. Calling at any dwelling or other place by telephone or door in an attempt to stimulate business activity and remaining on any premises with equipment (cart) after being asked to leave by the owner.

- b. Misrepresent or make false, deceptive or misleading statements concerning the quality, quantity or character of any goods offered for sale, his/her identity or the identity of the organization he/she represents (a charitable organization Transient Street Merchant shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting and said portion shall be expressed as a percentage of the sale price of the goods).
- c. No Transient Street Merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles.
- d. Loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred foot radius of the source.
- e. Rubbish or litter accumulation in or around the area in which he/she is conducting business.

8. Food Sales Made From Automobiles. Where food sales are made from vehicles, all traffic and parking regulations shall be observed. No Transient Street Merchant shall have exclusive right to any location in the public streets or right of way, nor shall any be permitted a stationary location thereon in excess of fifteen minutes, nor shall any be permitted to operate in a congested area where such operation might impede or inconvenience the public use of such streets. Any move from a stationary location shall be to a place not less than one hundred feet from such location and the Transient Street Merchant shall not return to within one hundred feet of any previously occupied location within four hours of having moved from said location. For the purpose of this Section, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and public impeded or inconvenienced.

9. Revocation of Transient Street Merchant Permit.

- a. Appropriate reasons for revocation of the Transient Street Merchant permit may include material omissions or materially inaccurate statements in the registrant's application for permit, any fraudulent, false, deceptive or misleading statements or representation in the course of engaging in direct sales or interaction with the general public while working as a transient street merchant, violation of any provision of this Section, conviction of any crime or ordinance or statutory violation which is directly related to the registrant's suitability to engage in transient selling, or the involvement by the registrant in any prohibited transient street merchant business practices. The Chief of Police or designee shall report to the Director of Planning and Development any/all violations of these regulations and the Director of Planning and Development shall note any such violation on the record of the registrant;
- b. A Transient Street Merchant permit may be revoked by the Director of Planning and Development after notice is given by certified mail to the registrant 72 hours prior to revocation and provides the registrant with information regarding the right to a formal appeal process before the Plan Commission.

K. Unattended Donation Boxes. Unattended donation boxes are prohibited in all zoning districts except for properties that are either (a) zoned I – Institutional or (b) are an existing place of group assembly, place of worship, or non-for-profit entity that, as part of its mission, aims to help those in need and is classified as a permitted, conditional or legal non-conforming use. In those cases where unattended donation boxes are allowed, the owner and/or operator of an unattended donation box shall adhere to the following requirements:

- 1. The applicant shall provide, to the Director of Planning and Development, written permission from the owner of the property consenting to the placement and maintenance of the donation box. The permission shall include a statement indicating that the property owner is aware of the property owner's responsibility to maintain the current operator contact information and, if necessary, to maintain and remove the donation box if the operator fails to follow the provisions of this ordinance.
- 2.

Donation boxes shall be limited to 150 cubic feet. The height of each donation box shall not exceed 6 feet in height from finished grade to the highest point of the roof or top of the donation box.

3. Donation boxes shall be placed on a hard surface, such as asphalt or concrete, and fastened or mounted securely.
4. Donation boxes shall be painted or stained with a low reflectance and subtle, neutral or earth-tone color scheme. High intensity colors, metallic colors, black, or fluorescent colors shall not be used.
5. The owner/operator shall provide a site plan to the Director of Planning and Development that indicates the location of donation boxes on the site and the specifications of the donation box to be used.
6. Signage shall be allowed on three sides of a donation box, but the total combined area for all signage on the box shall be not greater than 3 square feet. At least one sign shall also include the name and contact information for the owner of each donation box.
7. No more than two donation boxes shall be allowed on each property.
8. Donation boxes shall not be located within any building setback or an established buffer area and shall not be located in such a manner as to impede the vision clearance as defined in Section 19.05.0201.
9. All donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti. All donation boxes shall be free of debris and shall be cleared of contents at least once every two weeks and shall not be permitted to overflow with donations or accumulate junk, debris, or other material.

SECTION 19.03.0804 DETAILED STANDARDS FOR TEMPORARY USES

- A. **Temporary Outdoor Sales Operation** Temporary outdoor sales operations typically include the display of items for sale outside the confines of a building, including but not limited to seasonal garden shops, tent sales, food stands, Christmas tree lots, fireworks stands, and garage sales. Except for residential garage or yard sales, all such uses shall be required to obtain a Zoning Permit under the provisions of Section 19.07.0102. The following specific standards shall be used and presented on a site plan submitted with the Zoning Permit application: (Ord. 010, Series 2002, Part 8)
1. **Location.** Materials for sale shall not be located in any public right-of-way. Aside from residential garage and yard sales, no temporary outdoor sales operation may be located in a residential zoning district, industrial zoning district, any other zoning district in which outdoor sales or display of merchandise is prohibited, or an any development or site where the Plan Commission or Village Board has expressly prohibited outdoor sales or display or merchandise in any previous approval of a Site Plan, Conditional Use Permit and/or Planned Unit Development covering the lot. (Ord. 010, Series 2002, Part 8)
 2. **Parking.** All parking shall be on-site and shall meet the numerical requirements of Table 19.05.0203. In no case shall the placement of a temporary outdoor sales operation reduce the amount of parking available for permanent uses(s) on the lot below the minimum required under Table 19.05.0203 or as previously required with any Conditional Use Permit or Planned Unit Development covering the lot. (Ord. 010, Series 2002, Part 8)
 3. **Visibility.** The location of materials for sale on the property shall not block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard.
 4. **Hours of Operation.** The sales shall be limited to between the hours of 7 AM and 9 PM, except that where the temporary outdoor sales operation is on land adjacent to residentially zoned land, sales shall be limited to daylight hours only. (Ord. 010, Series 2002, Part 8)

5. **Trash and Debris.** All trash and debris shall be removed or contained daily.
 6. **Written Consent May Be Required.** Written consent from the owner, or authorized agent, of the property shall be provided if required by the Zoning Administrator.
 7. **Use of Recreational Vehicles as Temporary Sales Office or Residence Prohibited.** Except for temporary outdoor sales operations which have been open seasonally since before April 17, 2000, no electrical or utility hookups shall be permitted for any recreational vehicle and no recreational vehicle shall be permitted as a temporary sales office or residence. (Ord. 010, Series 2002, Part 8)
 8. **Signage and Lighting.** All signage shall be according to the sign regulations set forth in Title 20 "Signs and Exterior Lighting" of the *Village of Grafton Municipal Code*. All exterior lighting shall be according to Division 19.05.0400. (Ord. 010, Series 2002, Part 8)
 9. **Timeframe.** The Zoning Permit shall specify the number of days over which the temporary outdoor sales operation can be operational. Temporary outdoor sales on any lot shall be limited to fifteen (15) calendar days in any one calendar year, except for seasonal sales of trees, plants, and accessory items. All materials shall be removed within forty-eight (48) hours of the end of the operation. (Ord. 010, Series 2002, Part 8)
- B. **Construction Trailers as Temporary Offices.** A licensed contractor engaged upon a public works contract, utility, or construction project for which a Building Permit has been issued by the Building Inspector may temporarily use a construction trailer for office facilities in the location where the work is being done, provided such construction trailer shall not be placed upon the streets but upon the property on which the Building Permit authorizes the construction. The construction trailer shall not be placed more than fifteen (15) days prior to the commencement of the work for which the Building Permit has been issued. The construction trailer shall be removed within fifteen (15) days after completion of the work for which the Building Permit has been issued.
- C. **Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices.** Model homes, model dwelling units, and preconstruction sales offices are residential type structures used as sales offices by a builder/developer and to display the builder/developer's product. The same may be furnished within, since its purpose is to display to perspective buyers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes, model dwelling units, and pre-construction sales offices shall be subject to the following restrictions:
1. **District Dimensional Requirements to be Met.** The model dwelling unit shall meet all district requirements for lot and yard dimensions.
 2. **Sign Illumination.** Signs shall not be illuminated after 9:00 P.M.
 3. **Business Activity Not Permitted Before 9:00 A.M. Nor After 9:00 P.M.** The model dwelling unit shall not be used for any business activity before 9:00 A.M. nor later than 9:00 P.M.
 4. **Lighting.** All exterior lighting shall be full cut-off "downlighting," so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
 5. **Off-Street Parking.** All model homes shall provide off-street, paved parking for the public. Such off-street, paved parking shall be located as directed by the Plan Commission. The number of required off-street parking spaces shall be six (6) per model home. The driveway of the model home may be used for not more than two (2) of the required spaces.
 6. **Screening and Trash Receptacles.** Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

7. **Construction and Issuance of Certificate of Occupancy.** Certificates of Occupancy shall not be issued until after the abutting street has been provided with an all weather roadway access, public fire protection, and all public utilities.
8. **Termination of Use.** The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for eighty-five (85) percent of the lots therein.
9. **Temporary Sales Structure in Multiple-Family Developments.** In those zoning districts where multi-family dwelling uses are permitted, a temporary structure may be used as a preconstruction sales office for displaying a typical dwelling unit arrangement, subject to the following restrictions:
 - a. The structure shall be limited to two (2) stories in height.
 - b. The structure shall be appropriately landscaped.
 - c. The structure shall be subject to the same front yard requirements as the principal structure to be erected and shall otherwise be subject to all yard requirements for the district in which located.
 - d. Adequate off-street parking facilities (a minimum of six [6] spaces) and access driveways shall be developed within those locations approved for such facilities in conjunction with the permanent multiple-family structure, and no additional parking areas or access driveways shall be permitted.
 - e. Signs shall be permitted only according to the regulations set forth for the use within the district and according to this Ordinance.
 - f. The structure shall comply fully with all existing building codes and ordinances of the Village of Grafton.
 - g. The structure shall be completely and totally removed within six (6) months from the date of the issuance of a Building Permit or upon the completion of the permanent residential dwelling structure whichever date is later.
 - h. If the structure should not be removed or demolished by the owner or other parties in interest within the terms of this Section, the Village of Grafton, to the extent permitted by law, acting through its Building Inspector, is authorized to vacate, demolish, or remove, either with forces or by independent contractor submitting the lowest and best bid, any such building or structure. The Village of Grafton shall assess the entire costs of such vacation, demolition, or removal against the owner or other parties in interest.

D. **Temporary Roadside Stands for the Sale of Agricultural Products.** The following specific standards shall be used:

1. **Off-Street Parking and Loading.** The use shall provide for all required off-street parking and loading on private property.
2. **Access.** The use shall be located along and have direct vehicular access to a public street. Access to and from the site shall be in accord with the requirements of the applicable highway or arterial street access authority including the Wisconsin Department of Transportation, Ozaukee County, and/or the Village of Grafton.
3. **Sales or Display Prohibited on Public Land.** No sales or display activity shall be located on public land.
5. **Location.** The use shall be located within a nonresidential district only.

E. **Outdoor Assembly Uses.** Outdoor assembly uses include but are not limited to events of limited duration such as festivals, carnivals, fundraisers, community celebrations, and performances. The following specific standards shall apply to all outdoor assembly uses in the Village:

1. **Location.** Outdoor assembly uses are not permitted in any residential zoning district or in any development or site where the Plan Commission or Village Board has expressly prohibited outdoor assembly uses in any previous approval of a Site Plan, Conditional Use Permit, and/or Planned Unit Development covering the lot.
2. **Parking.** Parking shall be on the lot or conveniently located to the lot, but in no case on privately owned land in a residential zoning district. The placement of the outdoor assembly use shall not reduce the amount of parking for the permanent use(s) of the lot below the requirements of Table 19.05.0203 or as previously required with Conditional Use Permit or Planned Unit Development covering the lot, unless such permanent use(s) are not in operation during the same time that the outdoor assembly use is in operation.
3. **Access and Visibility.** The location of materials, parking, or equipment on the lot shall not block access and visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard.
4. **Crowd and Traffic Control.** The operator of the outdoor assembly use shall provide adequate crowd and traffic control measures to protect public health, safety, and welfare. The Police Chief shall determine whether crowd and traffic control methods are adequate.
5. **Sanitary Conditions, Trash and Debris.** Drinking water, toilet facilities, and wash facilities shall be provided if required by applicable laws and industry standards. All trash and debris shall be removed or contained daily. All materials associated with the outdoor assembly use shall be removed within forty-eight (48) hours of the end of the operation of the use.
6. **Signage and Lighting.** All signage shall be according to the sign regulations set forth in Title 20 "Signs and Exterior Lighting" of the *Village of Grafton Municipal Code*. All exterior lighting shall be according to Division 19.05.0400.

(Ord. 010, Series 2002, Part 9)

DIVISION 19.03.0900 MODIFICATIONS

SECTION 19.03.0901 HEIGHT

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

- A. **Architectural Projections.** Architectural projections such as spires, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
- B. **Special Structures.** Special structures such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
- C. **Essential Services, Utilities, Water Towers, and Electric Power and Communication Transmission Lines.** Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. **Communication Structures.**
 - 1. Communications structures, such as radio and television antennas and/or antenna structures in the R-RE, R-E, R-1, R-S, R-2, R-3, R-4, R-5, R-6, MFR-1, MFR-2 and residential PUD Districts shall not exceed fifty (50) feet in height.
 - 2. Communications structures, such as radio and television antennas and/or antenna structures in the CBD, C-1, C-2, C-3, C-4, O, BP, M-1, PID, I, PR, A-1, A-2, A-3 and nonresidential PUD Districts shall not exceed one-hundred and fifty (150) feet in height and shall be regulated as a conditional use under the provisions of Division 19.03.0700 of this Ordinance.
- E. **Agricultural Structures.** Agricultural structures, such as barns, silos, windmills, shall not exceed in height twice their distance from the nearest lot line.
- F. **Public or Semipublic Facilities.** Public and semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, and governmental offices and stations, may be erected to a height of sixty (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.
- G. **Modification of Other Ordinances and Regulations Not Permitted Under this Division.** Modifications permitted under this Division of this Ordinance do not modify any requirements of federal, state, or local building codes relating to the elements addressed in this Division of this Ordinance.

SECTION 19.03.0902 YARDS

The yard requirements stipulated elsewhere in this Ordinance may be modified as shown in Table 19.03.0902, Section 19.02.0202(E), and as follows:

Table 19.03.0902

PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE			
	FRONT YARD	REAR YARD	SIDE YARD	CORNER SIDE YARD
Air-conditioning equipment shelters	N	P	P	P
Arbors and trellises	P	P	P	P
Awnings and canopies projecting into 10% or less of yard depth (for windows only)	P	P	P	P
Balconies, open	P	P	P	P
Basketball Goal (limited to one pole-mounted or garage-mounted in residential zoning districts only)	P	P	P	P
Bay windows	P	P	P	P
Chimneys	P	P	P	P
Decks, open	P	P	P	P
Dish antennas	P	P	P	P
Dog runs, enclosed	N	P	N	N
Eaves, overhanging [not to exceed two (2) feet]	P	P	P	P
Fences	P	P	P	P
Flagpoles	P	P	P	P
Garages or carports	P	P	P	P
Gardens, vegetable	N	P	P	P
Greenhouses	N	P	P	N
Gutters	P	P	P	P
Hedge	P	P	P	P
Landscape bufferyards	P	P	P	P
Laundry drying equipment	N	P	N	N
Lawn furniture	P	P	P	P
Light standards, ornamental	P	P	P	P
Loading, off-street, open	N	P	P	N
Parking, off-street, open	P	P	P	P
Patios, open without roof	N	P	P	P
Porches/breezeways with roof, sides open	N	P	P	P
Sheds and storage buildings	N	P	P	N
Signs	P	P	P	P
Skateboard ramps	N	P	N	N
Stairways, open without roof	P	P	P	P
Steps, open without roof	P	P	P	P
Television or radio towers or antennas	N	P	P	N
Tennis courts, private	N	P	N	N

Table 19.03.0902

PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

PROJECTION, OBSTRUCTION, OR ACCESSORY USE	YARD TYPE			
	FRONT YARD	REAR YARD	SIDE YARD	CORNER SIDE YARD
Trash dumpsters and/or garbage receptacles (also subject to the other provisions of this Ordinance)	N	P	P	P
Trees, shrubs, and flowers	P	P	P	P
Volleyball courts, private (in residential districts only)	N	P	N	N
Walls	P	P	P	P
Other accessory uses (as may be permitted elsewhere in this Ordinance)	N	P	N	N

P=Permitted
N=Not Permitted

- A. **Uncovered Stairs, Landings, and Fire Escapes.** Uncovered stairs, decks, landings, and fire escapes may project into any yard, but not further than six (6) feet and shall not be closer than three (3) feet to any lot line.
- B. **Architectural Projections.** Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projections shall not exceed two (2) feet.
- C. **Essential Services, Utilities, and Electric Power and Communication Transmission Lines.** Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- D. **Landscape Bufferyards, Landscaping, Vegetation, and Areas of Natural Resource Features Mitigation Exempt from Yard and Setback Requirements.** Landscape bufferyards, landscaping, vegetation, and natural resource features mitigation areas are exempt from the yard and setback requirements of this Ordinance. Landscape plantings such as shrubs shall not be permitted in the street right-of-way unless approved by the Plan Commission.
- E. **Front and/or Corner Lot Side Yard Setbacks for Additional Right-of-Way Dedication.** For existing lots of record only within existing Subdivisions or Certified Survey Maps, when additional public street right-of-way dedication is required by the Village or other governmental unit, the front and/or corner side yard setback requirements of this Ordinance may be reduced by the same distance as that required for public street right-of-way dedication. However, such front and/or corner lot side yard setbacks shall not be reduced to less than twenty (20) feet.
- F. **Building on Pre-existing Lots in the R-1 and R-4 Districts.** In the R-1 and R-4 Districts, on lots which were either recorded or included within a valid preliminary plat before April 17, 2000, new buildings and additional to existing buildings may extend into required yards as permitted in Section 19.02.0202(E) of this ordinance. (Ord. 033, Series 2000, Part 2).

SECTION 19.03.0903 ADDITIONS AND AVERAGE STREET YARDS

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels. In addition, proposed street yard additions or modifications to residential buildings that were lawfully constructed before April 17, 2000, may be built up to a distance equal to the existing front yard setback of the residential building, even if the front yard setback of said addition or modification is less than the minimum front yard setback otherwise required in the applicable zoning district. (Ord. 010, Series 2002, Part 10)

SECTION 19.03.0904 CORNER LOTS

Structures shall provide a street yard as required by this Ordinance on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street. The setbacks on each street shall be as specified in this Ordinance.

SECTION 19.03.0905 DOUBLE FRONTAGE LOTS

Lots abutting two (2) opposite streets shall provide the front yard setback required by the district in which the lot is located from each street upon which the lot abuts.

SECTION 19.03.0906 FLOODWAY LANDS ELIGIBLE FOR MEETING AREA REQUIREMENTS

Where a lot is located partially within the FW, FF, and GFP Districts (see Title 21 "Floodplain Zoning" of the *Village of Grafton Municipal Code*) and a minimum of fifty (50) percent of the lot is located within any other one (1) adjoining zoning district, that portion of the lot in the FW, FF, and GFP Districts may be used to meet the lot area requirements of the adjoining zoning district. In no case, however, shall the FW, FF, and GFP Districts be used to increase the maximum permitted net floor area ratio (NFAR) or maximum net density (ND) of any parcel of land or lot that exceeds those levels as determined by the site intensity calculations and capacity calculations of Division 19.03.0500 of this Ordinance.

SECTION 19.03.0907 DEED RESTRICTED AND PRESERVED NATURAL RESOURCE PROTECTION AND OPEN SPACE LANDS ELIGIBLE FOR MEETING AREA REQUIREMENTS

Where a lot is located partially within a deed restricted and preserved natural resource protection area or open space area (see Divisions 19.03.0500 and 19.04.0100) that portion of the lot in such an area may be used to meet the lot area requirements of the zoning district. In no case, however, shall such eligibility be used to increase the maximum permitted net floor area ratio (NFAR) or maximum net density (ND) of any parcel of land or lot that exceeds those levels as determined by the site intensity calculations and capacity calculations of Division 19.03.0500 of this Ordinance.

SECTION 19.03.0908 NOISE

Sirens, whistles, and bells maintained and used solely to serve a public purpose are exempt from the sound level standards of this Ordinance. (Also see Section 19.03.1107(B).)

DIVISION 19.03.1000 NONCONFORMING BUILDINGS, STRUCTURES, AND USES

SECTION 19.03.1001 EXISTING NONCONFORMING USES

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

- A. **Portion of the Land or Water in Actual Use May Be Continued.** Only that portion of the land or water in actual use may be so continued. The nonconforming use may not be extended, enlarged, substituted, or moved, except when required to do so by law or order or to comply with the provisions of this Ordinance.
- B. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
- C. **Conforming Conditional Uses.** See Sections 19.03.0602 and 19.03.0603 of this Ordinance for uses existing at the effective date of this Ordinance, which would be classified as Conditional Uses under the provisions of this Ordinance for each zoning district.

SECTION 19.03.1002 EXISTING NONCONFORMING STRUCTURES

The lawful nonconforming use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets or the yard, height, parking, loading, access, floor area ratio, and lot area provisions of this Ordinance if:

- A. **Total Lifetime Structural Repairs or Alterations.** Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed fifty (50) percent of the municipality's equalized assessed value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- B. **Substitution of New Equipment.** Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
- C. **Repairs and Alterations.** Repairs and alterations permitted under the provisions of this Ordinance to nonconforming buildings and structures in floodlands shall include floodproofing to those portions of the building or structure involved in such repairs or alterations. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the flood-proofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood level for the particular area. (Also see Title 21 "Floodplain Zoning" of the *Village of Grafton Municipal Code*.)

SECTION 19.03.1003 EXISTING SUBSTANDARD LOTS

- A. **Criteria for Building on Substandard Lots.** A lot that does not conform to the dimensional requirements of this Ordinance, may be used as a single building site if: (Ord. 010, Series 2002, Part 11)
 - 1. The proposed use is permitted in the zoning district. (Ord. 010, Series 2002, Part 11)
 - 2. The lot is a lot of record in the Ozaukee County Register of Deeds Office created before the effective date of this Ordinance. (Ord. 010, Series 2002, Part 11; Ord. 036, Series 2000, Part 2)
 - 3. Lot width and area are not less than seventy-five (75) percent of the minimum required width and area within the zoning district. (Ord. 010, Series 2002, Part 11)
 - 4. All building setback and yard requirements will be met. (Ord. 010, Series 2002, Part 11)
- B. **Setback and Yard Requirements.** A Building Permit for the improvement of a lot with lesser dimensions and requisites than those stated in Paragraph A. of this Section shall be issued only after a variance is granted by the Zoning Board of Appeals. (Ord. 010, Series 2002, Part 11)
- C. **Contiguous Substandard Lots.** When two (2) or more contiguous parcels of land, any of which lacks adequate area or dimension to qualify for a permitted use under the requirements of the zoning district in which they are located (i.e., is a substandard lot), are held under one (1) ownership, the parcels involved shall be considered one (1) zoning lot for purposes of this Ordinance, except in the A-1, A-2, and A-3 districts and in cases where the owner of the parcels is also the developer of the subdivision in which the parcels are located. As one (1) zoning lot, they may provide only (1) individual building site. Except in single and two-family zoning districts, all such parcels shall be combined into one (1) legal lot through the use of a Certified Survey Map. (Ord. 010, Series 2002, Part 11; Ord. 036, Series 2000, Part 2).

SECTION 19.03.1004 CONTINUANCE OF USE

- A. **Legal Nonconforming Use.** Any lawfully established use of a building, structure, or land that does not conform to the use regulations for the district in which it is located at the time of the adoption of this Ordinance shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.

- B. **Continuation of Legal Nonconforming Uses.** Any legal nonconforming buildings, structures, or land may be continued in use provided there are no physical changes other than necessary maintenance and repair, except as otherwise permitted herein. However, the use must be active and actual and not occasional and sporadic.
- C. **Buildings and Uses for which a Zoning Permit, Conditional Use Permit, or Building Permit Has Been Granted.** Any building or use for which a Zoning Permit, Conditional Use Permit, or Building Permit has been lawfully granted may be completed according to the approved plans, provided construction is started within six (6) months and the exterior of the building or use is completed within eighteen (18) months of the effective date of this Ordinance. Such building or use shall thereafter be deemed a lawfully established building or use.

SECTION 19.03.1005 DISCONTINUANCE OF USE

- A. **Building, Structure, or Land Occupied by a Nonconforming Use Changed to or Replaced by a Conforming Use.** Whenever any part of a building, structure, or land occupied by a nonconforming use is changed to or replaced by a conforming use, such premises shall not thereafter be used or occupied by a nonconforming use, though the building may have been originally designed and constructed for the prior nonconforming use.
- B. **Discontinuance of Nonconforming Use.** Whenever a nonconforming use or part thereof has been discontinued for twelve (12) consecutive months, or whenever there is evidence of a clear intent by the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district in which the use is located.
- C. **Discontinuance of Nonconforming Use Where No Enclosed Building Is Involved.** Where no enclosed building is involved, discontinuance of a nonconforming use for twelve (12) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.
- D. **Nonconforming Uses to be Discontinued.** A nonconforming use not authorized by the provisions of the Village of Grafton Zoning Ordinance in effect at the time of the adoption of this Ordinance shall be discontinued.

SECTION 19.03.1006 REPAIRS AND ALTERATIONS

- A. **Normal Maintenance Permitted.** Normal maintenance of a building or other structure containing a nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations that do not extend or intensify the nonconforming use.
- B. **No Structural Alteration or Structural Repair.** No structural alteration or structural repair shall be made in a building or other structure containing a nonconforming use, except in the following situations:
 1. When the alteration is required by law.
 2. When the alteration will actually result in elimination of the nonconforming use.
 3. When a building is in a residential zoning district containing residential nonconforming uses, said building may be altered in any way to improve livability, provided no structural alterations are made which would increase the number of dwelling units or the bulk of the building.

SECTION 19.03.1007 DAMAGE AND DESTRUCTION

- A. **Damaged or Destroyed Building or Other Structure Containing a Nonconforming Use.** If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of its equalized assessed value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and according to the provisions of the zoning district in

which it is located. In the event the damage or destruction is less than fifty (50) percent of its equalized assessed value, the building may then be restored to its original condition and the occupancy or use may be continued.

- B. **Reconstruction of Buildings and Structures Located on Floodlands.** See Title 21 "Floodplain Zoning" of the *Village of Grafton Municipal Code* as amended.

SECTION 19.03.1008 ADDITIONS AND ENLARGEMENTS

- A. **Nonconforming Building Shall Not Be Extended.** A nonconforming building shall not be extended unless the entire building is thereafter devoted to a conforming use and said extension meets all applicable Ordinance requirements, and is made to conform to all the regulations of the zoning district in which it is located.
- B. **Buildings Partially Occupied by a Nonconforming Use.** No building partially occupied by a nonconforming use shall be altered in a way that permits the enlargement or expansion of the space occupied by such nonconforming use.
- C. **Limitations on the Expansion of a Nonconforming Use.** No nonconforming use may be extended in a way that occupies any required usable space, or any land beyond the boundaries of the zoning lot as it existed on the effective date of this Ordinance, or to displace any conforming use in the same building or on the same parcel of land.
- D. **Building or Structure Nonconforming with Respect to Yards, Floor Area Ratio, or Any Other Element of Bulk.** A building or structure that is nonconforming with respect to yards, floor area ratio (in all nonresidential zoning districts), or any other element of bulk shall not be altered or expanded in any manner that would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.
- E. **Additions and Enlargements on Floodlands.** See Title 21 "Floodplain Zoning" of the *Village of Grafton Municipal Code* as amended
- F. **Additions and Enlargements in Shoreland Wetlands.** See Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code* as amended.

SECTION 19.03.1009 CHANGES AND SUBSTITUTIONS

- A. **Nonconforming Use Changed to Conforming Use or Substandard Structure Altered to Comply with this Ordinance.** Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered to comply with this Ordinance, it shall not revert to a nonconforming use or substandard structure.
- B. **Substitution of More Restrictive Nonconforming Use for Existing Nonconforming Use.** Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Zoning Board of Appeals.

SECTION 19.03.1010 EXEMPTED BUILDINGS, STRUCTURES, AND USES

Whenever a lawfully existing building or other structure otherwise conforms to the use regulations of the zoning district in which it is located, but is nonconforming only in the particular manner hereinafter specified, the building and use thereof shall be exempt from the requirements of Section 19.03.1006.

- A. **Dwelling Structure Nonconforming Only as to the Number of Dwelling Units Contained.** In any residential zoning district where a dwelling structure is nonconforming only as to the number of dwelling units it contains, provided no such building shall be altered in any way to increase the number of dwelling units therein.

- B. **Business or Industrial District Where the Use is Less Distant from a Residential Zoning District than Specified.** In any business or industrial district, where the use is less distant from a residential zoning district than that specified in the regulations for the district in which it is located.
- C. **Other.** In any zoning district where an established building, structure, or use is nonconforming with respect to the standards prescribed herein for any of the following:
1. Floor area ratio including both net floor area ratio (NFAR) and gross floor area ratio (GFAR).
 2. Yards--front, corner, side, rear, or transitional.
 3. Off-street parking and loading.
 4. Lot area.
 5. Building height.
 6. Gross floor area.
 7. Landscaping, landscape bufferyards, landscape surface ratio (LSR), and open space ratio (OSR).

SECTION 19.03.1011 FLOODLAND NONCONFORMING USES

See Title 21 "Floodplain Zoning" of the *Village of Grafton Municipal Code* as amended.

SECTION 19.03.1012 SHORELAND AND WETLAND NONCONFORMING USES

See Title 22 "Shoreland-Wetland Zoning" of the *Village of Grafton Municipal Code* as amended.

DIVISION 19.03.1100 HAZARD PREVENTION PERFORMANCE STANDARDS

SECTION 19.03.1101 COMPLIANCE IN ALL ZONING DISTRICTS

Any use established hereafter in any zoning district shall be so operated as to comply with the hazard prevention performance standards set forth in this Division as well as all other applicable Village of Grafton, State, and federal regulations unless otherwise specified.

SECTION 19.03.1102 AIR POLLUTION, CONTAMINANTS, AND SMOKE

- A. **Smoke and Particulate Matter.** The provisions of Paragraphs 1 and 2 below shall not apply in the case of an equipment breakdown that makes compliance not reasonably possible, and shall not apply to home fireplaces, to home barbecues, campfires on legal campgrounds, and to burning incidental to agricultural operations for clearing land. These provisions shall apply to waste disposal.
1. **Measurement of Smoke Emissions.** Smoke emissions shall be measured by using the Ringlemann Chart, as adopted and published by the United States Department of the Interior, Bureau of Mines Information Circular 8333, May 1967, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke. All uses shall conform with the following standard. The density of smoke shall be measured at the point of emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
 2. **Established Requirements Not to be Exceeded.** No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities to substantially contribute to exceeding the established requirements of the Village of Grafton, Ozaukee County, State of Wisconsin, or Federal air pollution standards set forth by the U.S. Environmental Protection Agency. In case of conflict, the most restrictive requirements shall govern.

3. **Maximum Amount of Particulate Matter on a Single Site.** Emission of particulate matter from all sources shall be included in the maximum amount permitted for a single site as prescribed by the requirements of the agencies and regulations cited in Paragraph 2 above.
4. **Wind-Borne Particulate Matter.** Emission of particulate matter from materials or products subject to becoming wind-borne from such sources as storage areas, yards, roads, and so forth, within lot boundaries, shall be kept to a minimum by landscaping, paving, wetting, or other means not violating any other applicable laws or regulations to render the surface wind-resistant.
5. **Control of Particulate Emissions and Dust.** No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect particulate emissions in excess of the limitations established in Chapter NR 415, Wisconsin Administrative Code. Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards and roads or parking lots within any lot shall be kept to a minimum by appropriate paving, spraying/watering, application of suitable chemicals, landscaping or other acceptable and environmentally safe methods in accord with Chapter NR 415.04, Wisconsin Administrative Code.
6. **Maximum Smoke Units.** No stack shall emit more than ten (10) smoke units during any one (1) hour, nor shall smoke of a density greater than Ringelmann No. 2 be emitted, if during a single one (1) hour period in each twenty-four (24) hour day, each stack may emit up to twenty (20) smoke units when blowing soot or cleaning fires, and during such cleaning of fires, smoke of a density of Ringelmann No. 3 may be emitted, but for not more than four (4) minutes each period except a plume consisting entirely of condensed steam.

B. **Toxic and Noxious Matter.** All uses shall conform with the following standards.

1. **Ambient Air Quality Standards.** The ambient air quality standards of the State of Wisconsin and the U.S. Environmental Protection Agency, or any other federal agency having jurisdiction shall limit the release of airborne toxic and noxious materials. In case of conflict, the most restrictive requirements shall govern. In no case, shall the limitations established under the requirements of Chapter NR 445 of the Wisconsin Administrative Code be exceeded.
2. **Toxic Materials Not Included in Ambient Air Quality Standards.** When toxic materials are not included in the ambient air quality standards of the State of Wisconsin, the U.S. Environmental Protection Agency, or any other federal agency, the release of such materials shall not exceed one one-fortieth (1/40) of the threshold limit value across site boundary lines of those toxic materials currently listed in the "Threshold Limit Values" adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of all toxic and noxious matter shall be at ground level or habitable elevation, and shall be the average of a twenty-four (24) hour sampling period. The Village of Grafton may request that an applicant submit a statement from the Wisconsin Department of Natural Resources that the proposed levels of toxic matter to be released will not result in any hazard to human life or health or to wildlife.
3. **Discharge Across Property Boundaries Prohibited.** No use on any property shall discharge across the boundaries of said property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to other property or business.

SECTION 19.03.1103 FIRE AND EXPLOSIVE HAZARDS

Fire and explosive hazards shall be controlled as set forth in this Section. All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion and with adequate fire fighting and fire suppression equipment and devices that are standard in the industry. All such activities shall be in compliance with Wisconsin State Statutes, applicable Wisconsin Administrative Codes and Municipal Codes of the Village of Grafton (also see Title 7 "Fire Prevention and Protection" of the *Village of Grafton Municipal Code*. When such activities are not specifically

governed by law, the most current standards of N.F.P.A. (National Fire Code Standards) shall apply.

A. **Storage, Use, or Manufacture of Materials Ranging from Free to Active Burning May be Permitted With Conditions.** The storage, use, or manufacture of materials ranging from free to active burning--as determined by the Zoning Administrator--is permitted in the M-1, PID, or industrial PUD Districts under the following conditions:

1. **Location.** All storage, use, or manufacture of such materials or products shall be within completely enclosed buildings or structures having noncombustible exterior walls.
2. **Setbacks and Sprinkler Protection.** All such buildings or structures shall be set back at least forty (40) feet from property boundaries unless greater standards are required by the specific zoning district in which said materials are located, or, in lieu thereof, shall be protected throughout by an automatic sprinkler system complying with standards for installation prescribed by the National Fire Protection Association.
3. **Noncombustible to Moderate Burning Materials.** The storage, use, or manufacture of materials ranging from noncombustible to moderate burning--as determined by the Zoning Administrator--is permitted.
4. **No Storage Allowed Within 100-Year Recurrence Interval Floodplain.** Any permitted structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids and gases, or other toxic materials that could be hazardous to public health or safety, shall be located at elevations a minimum of four (4) feet above the 100-year recurrence interval flood elevation.

SECTION 19.03.1104 GLARE

A. **Measurement of Glare.** Glare illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, using the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. Illumination levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested and calibrated within one (1) year of the date of use.

B. **Glare Standards.** All uses shall conform to the following minimum standards:

1. **Maximum Illumination Increase.** Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause an illumination increase greater than 0.2 footcandles as measured at a location beyond the site boundary line as measured during the day or at night.
2. **Flickering and Intrinsically Bright Sources of Illumination.** Flickering and intrinsically bright sources of illumination, even if meeting the standard set forth in Paragraph 1 above, shall be controlled by luminaire shielding or aiming the light source away from roads and nearby sites. Exposed sources of light shall be shielded so as not to exceed the outdoor lighting standards set forth elsewhere in this Ordinance.
3. **Reflective Materials That Cause Glare Prohibited.** Reflective roofs, sidings, and building surfaces including reflective glass shall not be permitted except solar heating devices.

SECTION 19.03.1105 HEAT AND HUMIDITY

The following standards shall apply to heat and humidity.

A. **Location.** Any activity producing intense heat shall be conducted within an enclosed building as not to raise the temperature of the air beyond the site boundary line.

B. **Increases in Humidity in the Form of Steam or Moist Air from Cooling Towers or Equipment.**

Increases in humidity in the form of steam or moist air from cooling towers or equipment shall be controlled so that they do not create an ice hazard. Cooling towers shall be controlled by either reheating the plume or using a closed system.

SECTION 19.03.1106 WATER QUALITY PROTECTION

- A. **General Water Quality Standards.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- B. **Minimum State Requirements to be Met.** No activity shall withdraw or discharge any liquid or solid materials to exceed, or contribute toward the exceeding of, the minimum standards set forth in Paragraph A. above, and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code as amended.

SECTION 19.03.1107 NOISE

Noise regulation shall comply with the provisions of the standards set forth in Chapter 8.28 of the Village of Grafton Municipal Code as amended.

SECTION 19.03.1108 ODOR

This Section is applicable to all zoning districts and uses except agricultural uses and activities conducted within the A-1, A-2, and A-3 Districts as defined herein. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 429, Wisconsin Administrative Code.

SECTION 19.03.1109 RADIOACTIVITY

All uses shall conform to the following specified standards concerning radioactivity.

- A. **Maximum Concentrations of Radioactivity Permitted.** The maximum permissible concentrations of radioactivity that can be released shall be subject to the regulations of the State of Wisconsin, the U.S. Atomic Energy Commission, and any other federal agency having jurisdiction. In the case of conflict, the most restrictive requirements shall govern.
- B. **Storage of Radioactive Materials.** Radioactive materials shall be stored in fireproof containers made of steel and concrete, but shall not be stored in containers made of lead or other low melting metals or alloys unless completely encased in steel.
- C. **Medical Sources of Radiation Residues.** Medical sources of radiation residues, such as X-ray machines, gamma and neutron sources, and pharmaceutical isotopes used for diagnostic and therapeutic purposes, shall be permitted when located within a hospital, clinic, medical or dental office, or medical research facility. Other uses of radioactive materials shall be limited to measuring in X-ray and similar apparatus, and concerning the processing and preservation of food.

SECTION 19.03.1110 CHEMICAL, ASBESTOS, AND OTHER HAZARDOUS MATERIAL STORAGE

The following standards shall apply to chemical, asbestos, or other hazardous materials or wastes use and/or storage:

- A. **Location.** Any activity involving chemical, asbestos, or other hazardous materials or wastes use or storage shall be conducted within an enclosed building.
- B. **Transfer Off Parcel by Natural Causes or Forces Prohibited.** No chemical, asbestos, or other hazardous materials or wastes shall be deposited upon a parcel in any zoning district in such form or

manner that they may be transferred off the parcel by natural causes or forces.

- C. **Outdoor Storage Prohibited.** In all zoning districts no chemical, asbestos, or other hazardous materials or wastes that might cause fumes, dust, or which are a fire hazard or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors.
- D. **Compliance with All Fire and Building Codes for Hazardous Materials Use and Storage.** In all zoning districts uses involving the storage of chemicals, asbestos, or other hazardous materials or wastes shall be designed to comply with all fire and building codes for the hazardous materials use and storage, and adequate precautions using the best available technology shall be taken to protect against negative off-site impacts of a hazardous materials release.
- E. **Hazardous Materials Impact Analysis Required.** In all zoning districts where chemical, asbestos, or other hazardous materials or wastes are used or stored, a hazardous materials impact analysis shall be required to determine potential off-site impacts and required mitigation precautions. Said hazardous materials impact analysis shall be submitted to the Plan Commission for its review and consideration.

SECTION 19.03.1111 DECLARATION OF PUBLIC NUISANCE

In addition to the performance standards specified herein, the emission of smoke or particulate matter; any operation producing intensive glare outdoors; any operation producing intense heat or humidity outdoors; the emission of odorous matter; the emission of vibrations; the storage of chemical, asbestos, or other hazardous materials in such manner, concentrations, or quantity as to be detrimental to or endanger the public health, safety, comfort, or welfare is hereby declared to be a public nuisance. (Also see Chapters 8.28, 8.32, and 8.36 of the Village of Grafton Municipal Code for further regulation of nuisances.)