

Village of Grafton

Chapter 19: Zoning Ordinance

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Section 19.01.01: Title

ARTICLE I: INTRODUCTION AND DEFINITIONS**Section 19.01.01: Title**

This Chapter shall be known, cited, and referred to as the Village of Grafton Zoning Ordinance, except where as referred to herein, where it shall be known as "this Chapter."

Section 19.01.02: Authority

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all-inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law References: Section 62.23(7), 62.231, 87.30, Wisconsin Statutes.

Section 19.01.03: Purpose and Intent

- A. This Chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public. This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote adequate light and air; to protect groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect, and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in Sec. 157.70(1)(b), Wisconsin Statutes.
- B. It is also the intent of this Chapter is to implement certain goals and objectives of the Village of Grafton Comprehensive Plan, which are best addressed through zoning approaches, as enabled by Wisconsin Statutes.

Section 19.01.04: Separability and Non-Liability

It is hereby declared to be the intention of the Village of Grafton Village Board that provisions of this Chapter are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- C. If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- D. The Village does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts

Section 19.01.05: Abrogation

that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

Section 19.01.05: Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

Section 19.01.06: Rules of Interpretation

- A. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- B. Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.
- C. No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e. g. swing set, clothesline, etc.), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- D. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one year from the date of such permit.
- E. Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter.
- F. In cases of mixed occupancy or mixed use buildings, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used. In the case of buildings containing both residential and nonresidential uses, the density, intensity, and bulk standards for nonresidential buildings shall apply.
- G. Except for outlots authorized under Municipal Code Title 18: Subdivisions to contain permanently protected green space area, no yard or other open space

Section 19.01.07: Jurisdiction

area shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 19.01.07: Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the Village of Grafton, all areas within the extraterritorial jurisdiction of the Village of Grafton, and all areas where boundary agreements are in place.

Section 19.01.08: Effective Date

This Chapter shall become effective upon passage and publication according to law, following the date of repeal and recreation of the Official Zoning Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions such as Planned Developments.

Section 19.01.09: Applicability

- A. All Sections of this Chapter are applied to all properties, all development activity, and all uses of land and property within the Village of Grafton and extraterritorial jurisdiction. Beyond this Chapter, these kinds of activities are subject to all Village, State, and Federal requirements.
- B. The use of land is generally addressed in Articles II and III. Development activities including redevelopment and building and site renovations are regulated throughout the ordinance rather than in any one section or article.
- C. Where questions of applicability arise, the interpretation of applicability falls under the duties of the Community Development Director, or designee.

Section 19.01.10 to 19.01.19: Reserved**Section 19.01.20: Word Usage**

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- C. The masculine gender shall include the feminine, and vice versa.
- D. The words "shall," "must," and "will" are mandatory.
- E. The words "may," "can," and "might" are permissive.
- F. The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- G. The word "Village" shall mean the Village of Grafton, Wisconsin.
- H. The word "county" shall mean the County of Ozaukee, Wisconsin.
- I. The word "state" shall mean the State of Wisconsin.

Section 19.01.21: Abbreviations

- J. The words "Plan Commission" shall mean the Village of Grafton Plan Commission.
- K. The word "Council" shall refer to the Village of Grafton Village Board.
- L. The words "Board" or "Board of Appeals" shall refer to the Village of Grafton Zoning Board of Appeals.
- M. If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

Section 19.01.21: Abbreviations

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
ft	Foot
N/A	Not applicable
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

Section 19.01.22: Definitions

A. The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. If a term used in Chapter is not defined in this Section or elsewhere in this Chapter, the definition of said term will be provided by the Community Development Director, or designee, based on professional sources available including the American Planning Association and Urban Land Institute. For definitions of specific land uses, refer to Article III. For definitions related to signs, refer to Municipal Code Title 20: Signs. Definitions provided by this Section include:

1. **Abutting:** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated rights-of-way.
2. **Access:** A means of providing vehicular or non-vehicular egress from or ingress to a property, public right-of-way, or private roadway.
3. **Acre:** 43,560 square feet.
4. **Accessory structure, nonresidential:** See Article III. A structure or combination of structures that: (1) are located on the same lot, tract, or development parcel as the primary nonresidential building; (2) are clearly incidental to and customarily found in connection with a primary building or use; and (3) are subordinate to and serving a primary building or use.
5. **Accessory structure, residential:** See Article III. Structures accessory to a residential use including but not limited to structures used to shelter parked passenger vehicles (including garages and carports), structures used to store residential maintenance equipment of the subject property, workshops, kennels, boathouses, and pool houses. Residential accessory structures may be attached or detached from the principal residential structure.

Section 19.01.22: Definitions

6. **Accessory structure, attached:** An accessory structure which is physically connected to the principal building. Attached accessory structures shall be considered part of the principal structure and are subject to the setback standards for principal structures. Examples include decks which are immediately accessible from the principal structure.
7. **Accessory structure, detached:** An accessory structure which is not physically connected to the principal building. A minor attachment does not render an accessory structure attached. Examples of minor attachments include, but are not limited to, arbors and fences, and similar open unclosed structures such as breezeways over the pedestrian pathway between structures and no wider than 5 feet.
8. **Accessory use:** A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation and shall not include the boarding of animals or the keeping of fowl or farm animals (except pets or as otherwise permitted by the Municipal Code).
9. **Adaptive reuse:** Adapting an existing building originally designed for an institutional, quasi-public, public or other specific/ special purpose to a new use.
10. **Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
11. **Address:** The number or other designation assigned by the Department of Public Works to a housing unit, business establishment, or other structure or site for purposes of mail delivery, emergency services, and so forth.
12. **Agent of owner:** A person authorized in writing by the property owner to represent and act for a property owner in contacts with Village employees, committees, commissions, and the Village Board, regarding matters regulated by the Zoning Ordinance.
13. **Airport:** Any area of land designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.
14. **Airport hazard:** Any structure, object, or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off.
15. **Alley:** A minor public right- of-way/street or thoroughfare providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage.
16. **Alteration:** Any change, addition, or modification in construction (other than repair/ maintenance), or any change in the structural members of buildings such as load- bearing walls, columns, beams, girders, etc.

Section 19.01.22: Definitions

- 17. **Animal unit:** A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. Figure 19.01.22a indicates the number of common farm species which comprise a single animal unit. See Section 19.03.17(M) for regulations for keeping chickens in residential zoning districts.

Figure 19.01.22a: Animal Units

Type of Animal	# of Animals per Animal Unit	Type of Animal	# of Animals per Animal Unit	Type of Animal	# of Animals per Animal Unit
Horse (> 2 yrs)	1	Brood Sow or Boar	2	Chicken – Egg Layers	30
Colt (< 2 yrs)	2	Hog	3	Chicken – Fryers	60
Cattle (< 2 yrs)	5	Sheep/Goat	10	Turkey	50
Cattle (> 2 yrs)	2	Lamb	14		
Calf (< 1 yr)	1				
<i>Source: The Stockman's Handbook</i>					

- 18. **Appeal:** A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 19.09.20.
- 19. **Automobile:** Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.
- 20. **Awning:** A shielding or decorative fixture attached to a structure and extending from the face of the structure that is permanent in nature, which may be fixed or retractable.
- 21. **Balcony:** A platform that is attached to and projects from the wall of a principal building and is surrounded by a railing or balustrade. This definition is different and separate from a porch, deck, fire escape, etc.
- 22. **Base standard modification:** Changes to the regulations set forth in this Chapter, which are permitted only with an approved Planned Development meeting the requirements of Section 19.02.25.
- 23. **Basement:** That portion of a building between the floor and ceiling, having at least one- half of its height below grade.
- 24. **Berm:** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.
- 25. **Block:** The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of unsubdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a "block."

Section 19.01.22: Definitions

26. **Boat:** A vehicle designed for operation as a watercraft propelled by oars, sails, or engine(s).
27. **Boathouse:** A structure used for the storage of watercraft and associated materials which has one or more walls or sides.
28. **Bufferyard:** Any permitted combination of distance, vegetation, fencing, and berming which results in a reduction of visual, noise and other interaction with an adjoining property.
29. **Buildable area:** The area remaining on a lot after the minimum setback, drainage provisions, and other site constraint requirements of this ordinance have been met.
30. **Buildable width:** The width of the lot left to be built upon after the side yards are provided.
31. **Buildable depth:** The depth of the lot left to be built upon after the front and rear yards are provided
32. **Building:** A structure with a permanent location on the land, having a roof that may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind.
33. **Building coverage:** The percentage of a lot covered by principal and accessory buildings or structures.
34. **Building footprint:** The outline of the total area covered by a building's perimeter at the ground level.
35. **Building height:** The vertical distance from the established grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; or (c) the average height between eaves and ridge for a gable, hip and gambrel roof.
36. **Building, principal:** A building in which the main or principal use of the lot is conducted.
37. **Building separation:** The narrowest distance between two buildings (see minimum building separation).
38. **Bulk:** The combination of building height, size, and location on a lot.
39. **Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measurement four foot above natural grade.
40. **Canopy:** A structure or sign attached and extending from the face of a building, constructed as a permanent fixture.
41. **Capacity:** The maximum lawful level of designed use of any structure, or part thereof, as determined by the Village's adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.
42. **Certified Survey Map:** A plat or map prepared for a minor land division defined, prepared, and recorded as set forth in Section 236.34 Wis. Stats.
43. **Club:** Structures and facilities owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.
44. **Comprehensive plan:** The long-range master plan for the desirable use and development of land in the Village as officially adopted and as

Section 19.01.22: Definitions

- amended from time to time by the Commission and certified to the Village Board.
45. **Conditional use:** A use which may be appropriate or desirable in a specific zone, but requires special approval because if not carefully located or designed, may not be deemed compatible with neighborhood uses or may create special problems.
 46. **Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property.
 47. **Court:** An open space within one lot which is surrounded by structures on more than 50 percent of its perimeter.
 48. **Covenant:** A contract between two or more parties which constitutes a restriction of a particular parcel of land.
 49. **Deck:** An uncovered and open platform built above grade and attached to a principal or accessory building, typically supported by pillars or posts. Attached decks are considered to be part of a building or structure for all setback purposes.
 50. **Density:** A term used to describe the number of dwelling units per acre.
 51. **Design standards:** A guideline/ specification or set of guidelines/ specifications regarding the architectural appearance of a building or improvement that governs the alteration, construction, demolition, or relocation of a building or improvement.
 52. **Developed area:** That area which is made up of physical property improvements including but not limited to structures, parking, drives, signage and utility features.
 53. **Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; the primary or principal use or change in primary or principal use of any buildings or land; any extension of any use of land; deposition of materials; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.
 54. **Dormer:** A structural element of a house that protrudes from the plane of a sloping roof surface. Dormers are used to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.
 55. **Driveway:** A private roadway providing access to a public right- of-way.
 56. **Dwelling:** A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.
 57. **Dwelling, attached:** A dwelling joined to another dwelling at one or more sides by a shared wall or walls.
 58. **Dwelling, detached:** A dwelling entirely surrounded by open space on the same lot.

Section 19.01.22: Definitions

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59. **Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
60. **Easement:** Written authorization, recorded in the County Register of Deeds office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.
61. **Elevation (building):** The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. Each elevation will generally be identified as a north, south, east or west building elevation. Also see "facade."
62. **Extraterritorial area:** The area outside of the Village limits in which the Village of Grafton may exercise extraterritorial powers of planning, land division, and/ or zoning review.
63. **Facade:** The wall planes of a building which are visible from one side or perspective (e. g. front, side, rear). See "elevation (building)."
64. **Family:** A person living as an individual or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:
- Any number of people related by blood, marriage, domestic partnership, legal adoption, guardianship or other duly-authorized custodial relationship.
 - Two (2) unrelated adult individuals and the minor children of each. For the purpose of this Section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
 - Up to four (4) unrelated adult individuals.
 - Up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability, and require assistance from a caregiver. This definition does not include those persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 U.S. C. Section 802 (6).
 - Up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
 - Exceptions: The definition of "family" does not include: i) Any society, club, fraternity/sorority, association, lodge, combine, commune, federation, or similar organization; and ii) Any group of individuals whose association is temporary or seasonal in nature.
65. **Farm building:** Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

Section 19.01.22: Definitions

66. **Fence:** Any artificially constructed barrier erected to separate, enclose or screen areas of land.
67. **Fence, picket:** A type of fence constructed of evenly- spaced vertical boards that are connected by two or more horizontal rails.
68. **Fence, solid:** A fence, including solid entrance and exit gates, that is least 90 percent opaque and that effectively conceals the materials stored and operations conducted behind it from view.
69. **Fence, wood rail:** A type of fence constructed of wooden beams or timber logs (usually split lengthwise into rails) that are arranged in a manner that allows for more than 75 percent of the fence's surface area to be open for the free passage of light and air.
70. **Floor area:** The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, heating and utility rooms, etc. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.
71. **Floor area ratio:** The numerical value obtained by dividing the floor area of a structure or structures by the lot area on which such structure(s) are located.
72. **Foot-candle:** A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of one candle.
73. **Frontage:** See lot frontage.
74. **Garage:** An attached or detached building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. Garages are also commonly used to store other items associated with the use of a lot such as yard maintenance and children's play equipment.
75. **Grade, existing:** The surface elevation of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by the ordinance.
76. **Grade, finished:** The final elevation of the ground surface after man-made alteration, such as grading, grubbing, filling or excavating have been made and is part of an approved grading and drainage plan by the Village of Grafton.
77. **Greenspace:** An area landscaped with grass, shrubs, trees, and other vegetative groundcover.
78. **Greenspace surface area ratio (GSR):** The percentage of the gross site area or lot area which is preserved as permanently protected greenspace or landscaped area in relation to the percentage of gross site or lot area included in development.
79. **Gross density:** The result of dividing the number of dwelling units located on a site by the gross site area (see maximum gross density).
80. **Gross floor area:** The total floor area inside the building envelope on all levels of a building.
81. **Gross site area:** The total area of a single lot or the sum of multiple lots in common use.

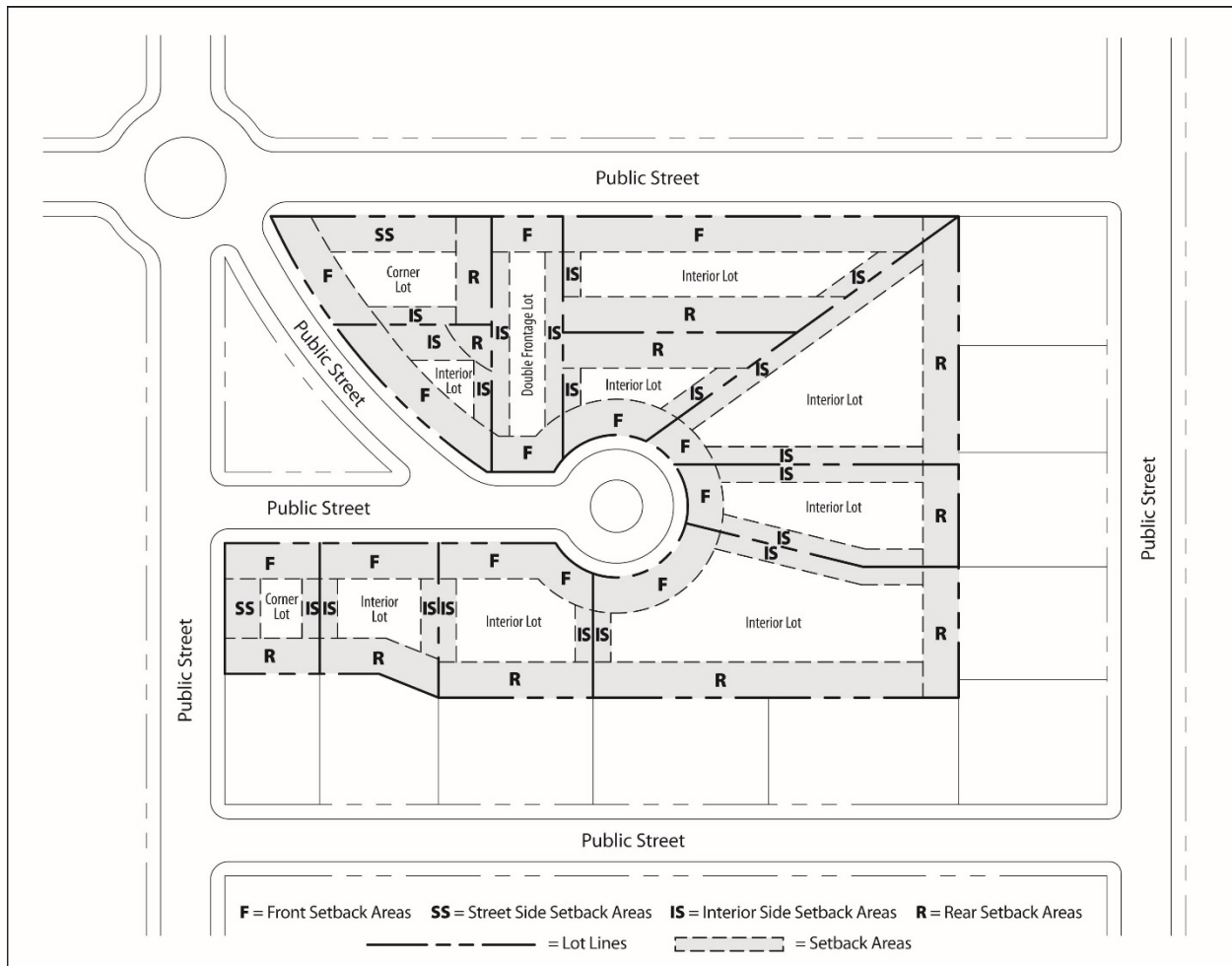
Section 19.01.22: Definitions

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82. **Group development:** See Section 19.04.11. Any development located on one lot and comprised of any single instance or any combination of the following development types:
- One or more principal multi-family residential buildings with a total of 12 or more residential units on the same lot.
 - Three or more principal structures on the same lot, whether serving a single use or more than one use.
 - Any addition of principal buildings that increases the total number of principal structures on the same lot to three or more.
83. **Historic building or site:** Any building or site that meets one or more of the following criteria: buildings or sites listed on the Wisconsin or National Register of Historic Places, either individually or as a contributing building or site to a historic district; buildings or sites with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the State Register or National Register of Historic Places, either individually or as a contributing building or site to a historic district.
84. **Impervious surface:** Surfaces that prohibit infiltration of stormwater. Homes, buildings, and other structures with roofs, as well as concrete, brick, stone, asphalt, gravel, and similar paved surfaces are considered impervious.
85. **Impervious surface ratio:** A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.
86. **Infill site:** A lot or parcel within developed areas of the Village as identified in the Comprehensive Plan.
87. **Intensity:** A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross site area.
88. **Landscaped area:** The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area also includes the area located within planted and continually maintained landscaped planters as well as subordinate accessory use of other landscape elements such as mulch.
89. **Large development:** See Section 19.04.11. Any new retail or commercial development containing any single building in which the combined area of the building footprint exceeds 50,000 square feet. All additions to existing retail and commercial buildings, built either before or after the adoption of this Ordinance, which brings the total building size to over 20,000 gross square feet shall comply with Section 19.04.11.
90. **Lot:** A parcel of land in one ownership and not divided by a street nor including any land within the limits of a public right-of-way. The term "lot of record" shall mean land designated as a distinct and separate parcel on a legally recorded plat, subdivision, or other instrument permitted by law, in the Register of Deeds office.
91. **Lot area:** The computed area contained within the lot lines of a recorded lot, including land over which easements have been established.

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- 92. **Lot, corner:** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or their greatest angle is the "corner."
- 93. **Lot depth:** The mean horizontal distance between the front and rear lot lines.
- 94. **Lot frontage:** The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the right- of-way. All sides of a lot that abuts a street shall be considered lot frontage. On curvilinear streets, the distance of the arc between the side lot lines shall be considered the lot frontage.
- 95. **Lot, interior:** A lot other than a corner lot.
- 96. **Lot line:** A lot line is the legal property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right- of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Figure 19.01.22b: Lot Configuration



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97. **Lot line, front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street with the shortest frontage distance shall be the front lot line. (See also lot line, street side). See Figure 19.01.22b.
98. **Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the front lot line (shorter of the frontages). See Figure 19.01.22b.
99. **Lot line, side:** Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. See Figure 19.01.22b.
100. **Lot line, street side:** Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front). See Figure 19.01.22b.
101. **Lot of record:** A platted lot or lot described in a plat, certified survey map, in a metes and bounds description, or other instrument permitted by law and has been approved by the Village of Grafton and/or by Ozaukee County, and has been recorded in the office of the Register of Deeds.
102. **Lot, through:** A lot having frontage on two parallel streets (also known as a double frontage lot). See Figure 19.01.22b.
103. **Maintenance:** An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, undamaged condition. Activities that change the character, size, or scope of a project beyond the original design or otherwise alter a serviceable area, structure, or land use are not included in this definition.
104. **Manufactured home:** A one or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with § 70. 043(1) Wis. Stats. and subchapters III, IV, and V of chapter COMM 21, Wis. Adm. Code, or a comparable foundation as approved by the local building services supervisor, is installed according to manufacturer's instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, has insulated glass windows, has vinyl, aluminum or other quality siding, and is a minimum of 22 feet wide.
105. **Maximum building size (MBS):** The largest permitted total gross floor area a building may contain (see building size).
106. **Maximum gross density:** The maximum number of dwelling units permitted per acre of Gross Site Area (see gross density).
107. **Minimum building separation:** The narrowest permitted building separation.

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108. **Minimum greenspace surface ratio:** The lowest permitted greenspace surface ratio (see greenspace surface ratio).
109. **Minimum lot area:** The minimum size lot permitted within the specified zoning district.
110. **Minimum lot width:** The smallest permissible lot width for the applicable zoning district.
111. **Minimum setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.
112. **Mixed use:** Some combination of residential, commercial, industrial, office, institutional, and/ or other land uses within a district or development.
113. **Mobile home:** A type of single family dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with or without a permanent foundation, with walls of rigid, un- collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a "mobile home" and a "manufactured home" as defined by Wisconsin Statutes. A Mobile Home does not include a "modular home" as defined by this Chapter. Any similar dwelling unit which has its own motor or remains on wheels shall be considered a recreational vehicle.
114. **Modular home:** A dwelling unit meeting the Uniform Building Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single family dwelling unit under Section 19.03.06(A).
115. **Multi-family residential:** A building or structure designed for three or more separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit.
116. **Navigable water:** All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters. All bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.
117. **Net developable area:** The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area from the gross site area.
118. **Nonconforming building or structure:** Any building or other structure which was lawfully existing under ordinances or regulations preceding this Chapter, but which would not conform to this Chapter if the building or structure were to be erected under the provisions of this Chapter.

Section 19.01.22: Definitions

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119. **Nonconforming development:** A lawful development approved under ordinances or regulations preceding the effective date of this Chapter, but which would not conform to this Chapter if the development were to be created under the current provisions of this Chapter.
120. **Nonconforming lot:** A nonconforming or substandard lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.
121. **Nonconforming structure:** A structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter. Parking, loading, access drives, and other paved areas are included in the definition of structure.
122. **Nonconforming use:** An active and actual use of land, buildings, or structures, which was lawfully existing prior to the enactment of this Chapter or amendments thereto, which has continued as the same or less intensive use to the present, and which, does not comply with the applicable regulations of this Chapter.
123. **Nonresidential use:** The individual uses including but not limited to "Agricultural Land Uses," "Institutional Land Uses," "Commercial Land Uses," "Industrial Land Uses," "Storage Land Uses," "Transportation Land Uses," "Extraction and Disposal Land Uses," "Telecommunication Land Uses," and "Energy Production Land Uses" as listed in Article III.
124. **Occupancy:** The use of land, buildings or structures. The residing of an individual or individuals overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any nonresidential structure. Change of occupancy includes a change of tenants but not change of proprietors under the same business operation.
125. **Official map:** The map adopted pursuant to Section 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, school sites, etc.
126. **Opacity:** The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property, i.e. the screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.
127. **Open space:** Any area not covered by a structure.
128. **Ordinary high water mark:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where natural vegetation changes from predominately aquatic to predominately terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, back waters, and sloughs.

Section 19.01.22: Definitions

129. **Outdoor wood furnace:** An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/ or heating the principal building.
130. **Overlay zoning district:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the underlying or base zoning districts.
131. **Owner:** The person, persons, or entity having the right of legal title to a lot or parcel of land.
132. **Parapet:** The extension of a false front or wall above the roofline.
133. **Parcel:** Any area of land (lot or contiguous group of lots) in the Village under single ownership as shown on the last assessor's roll of the county or the records of the Village, whichever is the most recent.
134. **Parking space, designated:** An area of a parking lot, or drive which has been designated for parking on a site plan and is located on a paved surface per the requirements of Section 16.04.02(U).
135. **Patio:** An open, level-surfaced area which is typically impervious has an elevation of no more than 12 inches, and without walls or a roof, intended for outdoor seating and recreation.
136. **Performance standard:** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.
137. **Permanently protected green space:** Permanently protected green space areas that are protected from development such as wetlands, floodplains, drainage ways, steep slopes, lakeshores, certain woodlands, native or restored habitat, and stormwater facilities.
138. **Pervious surface:** A surface which allows for precipitation from any source to infiltrate directly into the ground.
139. **Place of worship:** A structure, together with its accessory structures and uses, where persons regularly assemble for religious worship and is maintained and controlled by an organized religious body organized to sustain public worship, which is exempt from federal income tax as regulated by the Internal Revenue Service Code.
140. **Plat:** A map or drawing which graphically delineates the boundary of land lots/ parcels for the purpose of identification and record title.
141. **Pole building:** A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes and are not intended for human occupancy.
142. **Porch:** A covered platform at an entrance to a dwelling, which is not heated or cooled or used for livable space, that is attached to the outside of a building. The post of the porch is considered the wall for setback purposes.
143. **Principal structure:** The building containing the principal use, including the foundation, basement, and attic. When calculating area, attached residential accessory structures such as attached garages, attached garden sheds, and attached pool houses are not considered part of the principal structure.

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144. **Principal use:** The main use to which a parcel is devoted and the main purpose for which the premises exists.
145. **Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.
146. **Recreational equipment:** Equipment used by residents of a principal building on-premise including but not limited to swimming pools, swings, slides, climbers, teeter-totters, play- forts, sandboxes, supports for basketball baskets and backboards, badminton nets and similar equipment, but not including recreational vehicles normally utilized off-premise, including but not limited to boats, trailers, campers, travel trailers and snowmobiles.
147. **Recreational vehicle:** A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include but not limited to travel trailers, motor homes, boats, all- terrain vehicles, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.
148. **Regional flood:** A flood determined by the Wisconsin Department of Natural Resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100- year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.
149. **Residential use:** The individual uses listed in Section 19.03.06.
150. **Riverwalk:** A publicly- or privately-owned way, generally open to the sky and unobstructed by buildings, that runs along the river edge and is open to the public. It may include, without limitation, any combination of open space, paved areas, landscaped areas, pedestrian paths, and pedestrian furnishings.
151. **Rummage sale:** See "Garage or Estate Sale" in Article III.
152. **Scale (of development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.
153. **Setback:** The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted projections per Section 19.02.08.
154. **Sign:** See Title 20 Village of Grafton Municipal Code.
155. **Sill:** A horizontal, lower member or bottom of a door or window casing.
156. **Single family dwelling unit:** A dwelling unit type that consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family (Family Residential) and have no roof, wall, or floor in common with any other

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- dwelling unit. A single family dwelling that contains an in-family suite is still considered a single family dwelling.
157. **Single family living arrangement:** Occupancy of a dwelling unit by no more than 1 family.
158. **Site area:** See gross site area.
159. **Site plan:** See Section 19.02.08.
160. **Slope:** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3: 1 slope is 3 feet horizontal and 1 foot vertical).
161. **Start of construction:** The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means the first placement of permanent construction on the site. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of public streets and/ or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms.
162. **Steep slope:** Steep slopes are areas which contain a ratio of horizontal magnitude to vertical magnitude of 8:1 (gradient of 12 percent or greater).
163. **Street terrace:** The space between the sidewalk and the curb, or the equivalent space where sidewalk or curb are not installed.
164. **Story:** That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.
165. **Story, half:** That portion of a building under a gable, hip, or mansard roof, the wall plates of which on at least two opposite exterior walls are not more than 4.5 feet above the finished floor of each story.
166. **Street:** A right-of-way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the roadway or right-of-way lines.
167. **Substandard lot:** A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.
168. **Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excluding landscape features, fences, public utilities, and other minor site improvements.
169. **Temporary use:** A land use which is present on a property for a limited and specified period of time. See Article III: Land Use Regulations and Section 19.09.14.
170. **Transom:** A horizontal bar of stone, wood or glass across the opening of a door or window.

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171. **Two family residential:** A building designed for two separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit. For the purposes of this Chapter, Duplex, Twin House, and Two Flat dwellings are considered to be two family residential. A single family dwelling with an attached accessory dwelling unit is not a two family dwelling.
172. **Unnecessary hardship:** The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
173. **Use:** The purpose for which land or a building or structure is arranged, designed, or intended, or for which it is, or may be, occupied or maintained.
174. **Variance:** A relaxation of the terms of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship.
175. **Vision triangle:** See Section 19.04.06.
176. **Wetland:** An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions. See also Section 23.32(1), Wis. Stats.
177. **Woodland:** Areas of high quality trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village of Grafton and its environs or per a woodland survey by a professional arborist. The canopy of any tree listed as "Prohibited" in Figure 19.05.04c: Prohibited Species and Species to Use Sparingly shall not be counted in the calculation of a minimum of 80 percent of an area of one acre or more.
178. **Yard:** An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter.
179. **Yard, front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.
180. **Yard, rear:** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot. 188) **Yard, side:** A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.
181. **Yard, street side:** For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest building or structure.
182. **Zoning map, official:** The map adopted and designated by the Village as being the "Official Zoning Map."

Section 19.01.23-29: Reserved for future use

Section 19.01.23-29: Reserved for future use