



**Town of Grafton Ordinance No. 2018-01**

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

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

**WHEREAS**, a Notice of Public Hearing before the Town Board was duly published in the *Ozaukee Press* on \_\_\_\_\_, 2018, and \_\_\_\_\_, 2018; and

**WHEREAS**, a Public Hearing was held before the Town Board on July 18, 2018, regarding the proposed Amendments to the Town's Code of Ordinances; and

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

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

## **Section 1:**

Section 9.1.3 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

### **9.1.3 Zoning Districts.**

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#### **9.1.3.10 B-1 Business District**

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

(A) Permitted Uses.

- (1) Bakery shops.
- (2) Barber shops.
- (3) Beauty shops.
- (4) Business offices.
- (5) Clothing stores.
- (6) Confectionaries and delicatessens.
- (7) Essential services.
- (8) Florists.
- (9) General retail.
- (10) Gift shops.
- (11) Hobby shops.
- (12) Jewelry stores.
- (13) Medical/Dental clinics.
- (14) Music stores.
- (15) Office supply stores.
- (16) Optical stores.
- (17) Pharmacies.
- (18) Photography stores.
- (19) Professional Offices.
- (20) Rental Apartments on a ground floor. This permitted use is only applicable to the existing Stonecroft development (Tax Key #06-058-00-00-002), seeing that it is a unique and incomparable development within the Town of Grafton's B-1 Business District.
- (21) Rental Apartments on a non-ground floor provided there is a minimum floor area of 650 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment. This permitted use is only applicable to the existing Stonecroft development (Tax Key #06-058-00-00-002), seeing that it is a unique and incomparable development within the Town of Grafton's B-1 Business District.

~~(22) —Unclassified uses not listed in a zoning district as either a permitted use by right or as a conditional use are prohibited.~~

~~However, unclassified uses which are similar and comparable to the listed permitted and conditional uses, in terms, operations, and characteristics, may be considered and permitted as a viable, alternative conditional use by the Town Plan Commission.~~

~~(23)~~(22) Wellness Centers.

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#### 9.1.3.11 B-2 Business District

The B-2 Business District is intended to provide for the orderly and attractive grouping at appropriate locations of retail shops, offices, and other service establishments that serve the needs of the Town residents as well as the surrounding local community. Residential dwelling units are also permitted within the B-2 Business District to allow for a mixed-use building environment.

(A) Permitted Uses.

- (1) Bakery shops.
- (2) Barber shops.
- (3) Beauty shops.
- (4) Business offices.
- (5) Clothing stores.
- (6) Confectionaries and delicatessens.
- (7) Essential services.
- (8) Florists.
- (9) General retail.
- (10) Gift shops.
- (11) Hobby shops.
- (12) Jewelry stores.
- (13) Medical/Dental clinics.
- (14) Music stores.
- (15) Office supply stores.
- (16) Optical stores.
- (17) Pharmacies.
- (18) Photography stores.
- (19) Professional Offices.
- (20) Residential Dwelling Units as a secondary use of a commercial building on a non-ground floor / level.

~~(21) —Unclassified uses not listed in a zoning district as either a permitted use by right or as a conditional use are prohibited. However, unclassified uses which are similar and comparable to the listed permitted and conditional uses, in terms, operations, and characteristics, may be considered and permitted as a viable, alternative conditional use by the Town Plan Commission.~~

~~(22)~~(21) Wellness Centers.

....

### 9.1.3.12

#### **M-1 Light Manufacturing and Warehousing District**

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

(A) Permitted Uses.

- (1) Automotive Body Repair.
- (2) Business offices.
- (3) Commercial Bakeries.
- (4) Essential services.
- (5) Greenhouses.
- (6) Laboratories.
- (7) Landscape Business – Level 1, Level 2 and Level 3.
- (8) Machine shops.
- ~~(9) Unclassified uses not listed in a zoning district as either a permitted use by right or as a conditional use are prohibited. However, unclassified uses which are similar and comparable to the listed permitted and conditional uses, in terms, operations, and characteristics, may be considered and permitted as a viable, alternative conditional use by the Town Plan Commission.~~
- ~~(+0)(9)~~ Warehouses.
- ~~(+1)(10)~~ Wholesale.

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### 9.1.3.13

#### **M-2 Light Manufacturing and Warehousing District**

The M-2 Light Manufacturing and Warehousing District is intended to provide for more restrictive light manufacturing and warehousing uses at appropriate locations within the Town.

(A) Permitted Uses.

- (1) Automotive Body Repair.
- (2) Business offices.
- (3) Commercial Bakeries.
- (4) Essential services.
- (5) Greenhouses.
- (6) Laboratories.
- (7) Landscape Business – Level 1, Level 2 and Level 3.
- (8) Machine shops.
- ~~(9) Unclassified uses not listed in a zoning district as either a permitted use by right or as a conditional use are prohibited. However, unclassified uses which are similar and comparable to the listed permitted and conditional uses, in terms, operations, and characteristics, may be considered and permitted as a viable, alternative conditional use by the Town Plan Commission.~~
- ~~(+0)(9)~~ Warehouses.
- ~~(+1)(10)~~ Wholesale.

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#### 9.1.3.19 PWB-1 Port Washington Business District

The PWB-1 Port Washington Business District is intended to provide for orderly commercial development which is compatible with the proximate commercial development's character and use. Development within the PWB-1 Port Washington Business District shall incorporate inviting architectural design, generous landscaping, safe pedestrian and vehicular access and connectivity, orderly off-street parking and loading areas, attractive storage, and exterior lighting that does not extend to or adversely affect adjoining properties.

....

~~(D)~~ Unclassified Uses are Prohibited.

~~(1) — Unclassified uses not listed in a zoning district as either a permitted use by right or as a conditional use are prohibited. However, unclassified uses which are similar and comparable to the listed permitted and conditional uses, in terms, operations, and characteristics, may be considered and permitted as a viable, alternative conditional use by the Town Plan Commission.~~

~~(E)~~(D) Lot Area and Width.

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~~(F)~~(E) Building Height and Area.

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~~(G)~~(F) Yards.

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~~(H)~~(G) Design Standards.

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~~(H)~~(H) Plans and Specifications to be Submitted to Plan Commission.

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### **Section 2:**

Section 9.1.4 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

#### **9.1.4 Conditional Uses.**

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##### **9.1.4.02 Application**

~~Any person having ownership interest in property, an exclusive possessory interest, or a contractual interest in property that may become an ownership or exclusive possessory interest, may apply for a CUP. Prior to final approval of the CUP, the entire tract covered by the CUP or proposed project shall be either under single ownership, evidenced by legal title or binding sales contract or under lease or such other legal control over the land and proposed use which is sufficient to~~

~~insure that the applicant will be able to carry out the proposed project and assume all liability for the project which would normally be assumed under full land ownership.~~ Applications for conditional use permits shall be made in duplicate to the Town ~~Building Inspector Clerk~~ on forms furnished by the ~~Building Inspector~~ Town of Grafton and shall include the following:

- (A) Names and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor, ~~and all opposite and abutting property owners of record.~~
- (B) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (C) Plat of Survey prepared by a registered land surveyor or, if approved by ~~the Town Building Inspector~~ Town Staff, a sketch at a scale of no less than 1" = 40', showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yard. In addition, ~~the Building Inspector~~ Town Staff may require that the plat of survey show the location, elevation and use of any abutting lands and their structures within 150 feet of the subject premises; the mean and high water line; the type, slope, degree of erosion and boundaries of soil as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service; or other information as requested by the Building Inspector, Plan Commission, or the Town Board.
- (D) Additional Information as may be required by the Town Plan Commission, Town Board, and/or Town Staff ~~for the Town Building Inspector.~~

#### 9.1.4.03 **Review And Approval**

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

- ~~(A) — Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, height, improved traffic circulation, highway access restrictions, increased yards, or parking requirements, may be required by the Town Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.~~
- ~~(B)~~ (A) A Conditional Use Permit may be issued with a time restriction, with or without provision for renewal at the end of the specified time period. Modifications or additional conditions may be imposed upon application for renewal.

- ~~(C)~~(B) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 9.1.9 of this Chapter.
- ~~(D)~~(C) A Notification of each conditional use permit granted in the A-1 Agricultural District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).
- ~~(E)~~ — ~~A separate application form must be completed each time the issue appears before the Town Plan Commission or Town Board of Supervisors. A separate application must also be completed each time Staff review of punchlist items is required. All information is required for each application.~~
- ~~(F)~~(D) Subsequent Reviews include Staff time required to review the completion of punchlist items generated from an appearance before the Plan Commission or Town Board. Subsequent applications shall be submitted to the Town Clerk with proper payment.
- ~~(G)~~(E) Applications for agendas requiring an extraterritorial review are due with required attachments at least 45 days prior to each meeting. Incomplete applications will not appear on the Town's meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.
- ~~(H)~~(F) All other applications are due with required attachments at least 15 days prior to each meeting. Incomplete applications will not appear on the Town's meeting agenda. A completed and signed application and checklist must accompany the application indicating that all of the required information has been attached.
- ~~(I)~~(G) All applicants requesting to be placed on the Plan Commission agenda must schedule a Pre-Application meeting with ~~the Town Engineer or designee in a pre-application conference~~ Town Staff prior to being placed on the agenda. If it is determined by ~~the Town Engineer~~ Town Staff that the preliminary application is sufficient and adequate information is provided, a written application and the required plan and information shall be submitted to the Town Clerk. The petition will be placed on the next available Plan Commission agenda subject to established submittal time limits. The pre-application conference must take place and revisions per Staff comments be completed prior to the 45-day or 15-day deadline in order for materials to be submitted to the Town Clerk on time.
- (H) CONDITIONS: The Plan Commission, on recommendation of Town Staff, may attach conditions to the CUP deemed necessary or appropriate in furthering the purposes of this ordinance. Such factors to be considered may include, but are not limited to, the following:
- (1) Landscaping
  - (2) Type of construction
  - (3) Architectural Design
  - (4) Height
  - (5) Sureties
  - (6) Lighting

- (7) Fencing
  - (8) Planting
  - (9) Screening
  - (10) Operational control
  - (11) Period (Hours) of operation
  - (12) Improved traffic circulation
  - (13) Highway access restrictions
  - (14) Increased yards
  - (15) Deed restrictions
  - (16) Free and unlimited access to the project site during daylight hours to any Plan Commission member, the Town Building Inspector, the Town Engineer, or the Town Planner to investigate the project's construction, operation or maintenance
  - (17) Written notification of the Department at least five days before the project is started and five days after each phase of the project is completed.
  - (18) Parking requirements
  - (19) Erosion control
  - (20) Stormwater management
  - (21) Signage
  - (22) Construction schedule
  - (23) An acknowledgment that the nature and extent of the conditional use shall not change from that described in the application and approved in the CUP
- (I) GENERAL STANDARDS FOR APPROVAL OF CUP: No application for a CUP shall be approved or conditionally approved, unless the Plan Commission finds, based on substantial evidence, that the following standards are fulfilled:
- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (2) The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
  - (3) The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
  - (4) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (5) Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.
  - (6) Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
  - (7) The conditional use shall conform to all applicable regulations of the district in which it is located.



- (8) The conditional use does not violate shoreland or floodplain regulations governing the site.
- (9) Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

#### 9.1.4.04 Public And Semipublic Uses

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

....

- (D) Public Passenger Transportation Terminals such as heliports, and bus and rail depots, in any non-residential districts provided all principal structures and uses are not less than 100 feet from any residential district boundary.

....

#### 9.1.4.05 Agricultural Uses

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

....

- (B) Commercial Raisingraising, propagation, or boarding, ~~or butchering~~ of animals, such as dogs, mink, rabbits, foxes, goats, and pigs; ~~the commercial production of eggs; and the hatching, raising, fattening, or butchering of fowl in the A-1 and A-2 Agricultural Districts. Commercial boarding of dogs, however, shall not be permitted in the A-1 Agricultural District unless it is incidental to agricultural uses.~~
- (C) Veterinary Services in the A-1 Agricultural District if the services are intended to service farm animals, provided that all principal uses and structures are located not less than 200 feet from a residential district.
- (D) Boat and Recreation Vehicle Storage in the A-1 and A-2 Agricultural Districts when the storage is in a completely enclosed structure which is at least 10 years old ~~and provided that the use is clearly incidental to the principal farm use.~~
- ~~(E) Animal Hospitals, kennels, and veterinary services in the A-2 Agricultural Rural Residential District provided that no structure or animal enclosure shall be located closer than 100 feet to a property line.~~
- ~~(F) Poultry Hatchery Services in the A-2 Agricultural Residential District.~~
- ~~(G) Recycling Services intended for the exclusive use of a contract operator approved by the Town of Grafton Board to pick up, sort, and dispose of recyclable materials for the residents of the Town of Grafton.~~
- ~~(H) Temporary Storage Facilities such as semi-trailers, cargo containers, and trailers in the A-1 and A-2 Agricultural Districts, in the B-1 Business District, and in the M-1 Industrial District. Temporary storage facilities in the A-1 Agricultural District shall, however, be limited to purposes consistent with agricultural use only.~~
- ~~(H)~~(E) Landscaping Business – Level 1, Level 2, and Level 3. (See Definitions, Section 9.1.12.02, TGO.)

~~(F)~~(F) Horses in greater quantities than allowed by right. Proof of sufficient area to support the number of horses requested must be established to the satisfaction of the Town Plan Commission before the issuance of a conditional use permit. If approved, the conditional use permit may be subject to the following restrictions:

....

~~(K)~~(G) Occupations in Accessory Structures in the A-1 and A-2 Agricultural Districts provided that:

....

~~(L)~~(H) Bed and Breakfast Establishments, provided that the establishment:

....

~~(M)~~(I) Grain Bins or Silos that exceed 42 feet in height. No structure shall exceed 100 feet in height.

~~(N)~~(J) Limited Non-Agriculture Activities That Are Operated by the Property Owner as a Business Venture: For the purpose of this subsection, Non-Agriculture Activity is defined as the gathering of individuals for social, celebratory or entertainment purposes at an agricultural venue in an agricultural zoning district. These Non-Agricultural Activities shall be compatible with the agricultural setting of the district and may include events such as weddings, receptions, corporate events, or other similar uses as determined by the Town Planner, and approved by the Town Plan Commission. The intent of this subsection is to foster entrepreneurial opportunities in the Town that promote the use and preservation of farms and farmland while maintaining and safeguarding the zoning districts' rural, agrarian landscape. Consequently, the specific Non-Agricultural Activity must be listed on the Conditional Use Permit as well as the restrictions enumerated by the Town Plan Commission after its review and approval.

#### 9.1.4.06 RCDO – Residential Conservation Development Overlay District Uses

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

(A) Conditional Uses.

....

(6) Uses in common open space in conservation developments:

(a) Archery ranges, ~~arenas~~, bathhouses, conservatories, ~~exhibition halls~~, ~~field houses~~, and swimming pools.

....

....

#### 9.1.4.07 Residential Uses

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

....

(J) Accessory buildings or structures in the A-2 District exceeding 42 feet in height or 800 square feet in area; used for storage of the property owner's

belongings, to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.

- (K) Accessory buildings or structures in the R-1 District exceeding 35 feet in height or 576 square feet in area; used for storage of the property owner's belongings, to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.

- (L) Accessory buildings or structures in the R-2 and R-3 Districts exceeding 20 feet in height or 576 square feet in area; used for storage of the property owner's belongings, to house a workshop or similar hobby or activity of the property owner or a member of the property owner's immediate family, such as woodworking, metal working, painting, sculpture or similar activity; and provided no living quarters are included in the structure or building, and the products of the activity are not offered for sale.

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- (O) ~~Landscaping Business—Level 1, Level 2 and Level 3. (See Definitions at Section 9.1.12.02, TGO.)~~

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#### **9.1.4.08 B-1 and B-2 Business District Business Uses**

The following business uses shall be conditional uses and may be permitted in the B-1 Business District and B-2 Business District:

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- (P) Motels and Hotels

- (Q) Screened Outdoor Storage – B-1 District Only and must have related primary structure

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#### **9.1.4.09 BP-1 Business Park District and PWB-1 District Business Uses**

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

....

- (D) Trade and contractor businesses ~~including landscaping~~

- (E) ~~Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D) BP-1 District Only~~ Landscaping Business – Level 1, Level 2 and Level 3

- (F) Any building over 20,000 square feet in total area.

- (G) Commercial pet boarding.

- (H) Restaurants provided they are closed by 11:00 pm ~~and have no drive-through service. —PWB-1 District Only~~

#### **9.1.4.10 BP-2 Business Park District Business Uses**

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

....

- (D) Trade and contractor businesses ~~including landscaping~~
- (E) ~~Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D)~~ Landscaping Business – Level 1, Level 2 and Level 3
- (F) Any building over 20,000 square feet in total area.
- (G) Commercial pet boarding.

#### **9.1.4.11 BP-3 Business Park District Business Uses**

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

....

- (E) Florists, ~~non-retail~~
- (F) Bakeries, ~~non-retail~~
- (G) Trade and contractor businesses ~~including landscaping~~
- (H) ~~Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D)~~ Landscaping Business – Level 1, Level 2 and Level 3
- (I) Any building over 20,000 square feet in total area.
- (J) Any use which will generate over 300 Average Daily Trips according to ITE's (Institute of Transportation Engineers) latest edition of Trip Generation.
- (K) Commercial pet boarding.

#### **9.1.4.12 M-1 and M-2 District Light Manufacturing And Warehousing Uses**

The following uses shall be conditional uses and may be permitted in the M-1 Light Manufacturing and Warehousing District and M-2 Light Manufacturing and Warehousing District:

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

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

#### 9.1.4.13 O-1 Office District Uses

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#### 9.1.4.14 ~~Mineral Extraction~~

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

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

~~exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.~~

- ~~(D) The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration of the site.~~

#### **9.1.4.159.1.4.14 Recreational Uses**

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

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

#### **9.1.4.169.1.4.15 Energy Conservation Uses**

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

....

#### **9.1.4.17 ~~Unclassified Uses are Prohibited.~~**

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

~~permitted as a viable, alternative conditional use by the Town Plan Commission.~~

#### 9.1.4.189.1.4.16

#### **Termination**

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### **Section 3:**

Section 9.1.12 of the Town of Grafton Code of Ordinances is hereby amended as provided below by adding the underlined language and deleting the language struck out:

#### **9.1.12 Definitions.**

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#### **9.1.12.02 Specific Words And Phrases**

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##### **(II) Landscaping Businesses**

##### **(1) LEVEL 1 – Basic Landscaping Management, Maintenance and Snow Removal.**

(a) Lawn care and maintenance – mowing, minor seeding and soiling.

(b) Plant care and maintenance – planting, pruning, weeding and mulching.

\* Only plants grown on-site allowed. Retail sales of plants are prohibited.

##### **(c) No Landscaping Materials Allowed On-site:**

~~1. Stone~~

~~2. Mulch~~

~~3. Sand~~

~~4. Soil~~

~~5. Sod~~

~~6. Chemicals~~

##### **(d) Equipment allowed on-site:**

1. Up to 2 trucks no larger than 1-ton pick-ups with plows attached.

2. Up to 2 trailers to haul equipment.

3. Up to 5 riding or hand mowers.

4. Assorted hand tools.

a. Equipment must be stored inside or shielded from neighbors and road by plantings or berm. If berm is used, must obtain permit if over 4' high and/or 100' long.

- b. No large equipment allowed on-site such as – graders, backhoes, roller for putting in sod, skid loaders, chippers, dump trucks etc.
  - (e) One Accessory Structure allowed to store equipment and/or use as an office. If larger than ~~800~~576 sq. ft., a Conditional Use Permit for structure is needed also.
  - (f) May have up to ~~2~~5 employees, part-time or full-time.
  - (g) Up to ~~two (2)~~five (5) spaces for employee parking.
  - (h) Site Plan must be submitted.
  - (i) Storm Water Management Plan may be required by Town Engineer.
- (2) LEVEL 2 – Landscaping Design, Management, Maintenance and Snow Removal.
- (a) Landscape Design.
  - (b) Lawn care and maintenance – mowing, seeding, sodding and soiling.
  - (c) Plant care and maintenance – planting, pruning, weeding and mulching.
    - 1. Plants may be brought in from another source. No retail sales of plants.
  - (d) Landscaping materials allowed on-site:
    - 1. Wood Chips
    - 2. Sand
    - 3. Soil
    - 4. Stone
      - a. One to Two Truck Loads may be stored on-site.
      - ~~b. Mulch, Stone and Sod are prohibited. Must be delivered to Job Site.~~
  - (e) Equipment allowed on-site:
    - 1. Up to 2 Dump Trucks.
    - 2. Up to 2 Skid Loaders.
    - 3. Up to 5 1-ton pick-ups with plows attached.
    - 4. Up to 5 trailers to haul equipment.
    - 5. Up to 10 riding or hand mowers.
    - 6. Assorted hand tools.
      - a. No Graders, Backhoes, Roller for putting in Sod, etc. are allowed on -site.
      - b. Equipment that cannot be stored inside must be shielded from the neighbors and/or road by plantings and/or a berm. If berm is used, must obtain permit if over 4’ high and/or 100’ long.
  - (f) One Up to 2 Accessory Structure allowed to store equipment and/or use as an office. If larger than ~~576~~800 sq ft., a Conditional Use Permit for structure is needed also.
  - (g) May have up to ~~5~~10 employees, part-time or full-time.



- (h) Parking for Employees and Customers allowed on-site. One space for every 2-3 employees allowed, plus Three for Customers for a total of up to 8 spaces. Parking area may be paved or gravel.
- (i) Site plan must be submitted.
- (j) Storm water Management Plan may be required by Town Engineer.
- (3) LEVEL 3 – Excavation, Grading, Backfilling, Landscaping Design, Management, Maintenance and Snow Removal.
  - (a) Excavation, Grading, Backfilling for New Homes or Businesses; Trucking or Hauling “For Hire” is Prohibited.
  - (b) Landscaping Design for New Homes or Businesses.
  - (c) Lawn care and maintenance – chemical applications, mowing, seeding, sodding and soiling.
  - (d) Plant care and maintenance – planting, pruning, weeding and mulching.
  - (e) Landscaping materials allowed on-site:
    - 1. All materials needed including chemicals. Chemicals must be stored per Material Safety Data Sheet Specifications. (MSDS)
  - (f) All Landscaping Equipment allowed.
    - a. Equipment that can not be stored inside must be shielded from the neighbors and/or road by plantings and/or a berm. If berm is used, must obtain permit is over 4’ high and/or 100’ long.
  - (g) Accessory Structures allowed to store equipment and/or use as an office. If larger than 576800 sq. ft., a Conditional Use Permit for structure is needed also.
  - (h) May have up to 1025 employees, part-time or full-time.
  - ~~(i)~~ As deemed necessary by Plan Commission.
  - ~~(j)~~ (i) Must submit a Site Plan.
  - ~~(k)~~ (j) Must submit Storm water Management Plan.

#### **Section 4:**

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

#### **Section 5:**

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

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this \_\_\_\_\_ day of July, 2018.

\_\_\_\_\_  
Lester A. Bartel, Jr., Town Chairman

\_\_\_\_\_  
Amanda L. Schaefer, Town Clerk

Publication Date: \_\_\_\_\_, 2018

Posting Date: \_\_\_\_\_, 2018