



GRAFTON
QUALITY LIFE. NATURALLY.

Town of Grafton Ordinance No. 2014 - 04

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, ZONING,
OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN,
ADDRESSING PERMITTED USES, CONDITIONAL USES, AND DEFINITIONS IN
THE BUSINESS AND MANUFACTURING DISTRICTS**

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 Plan Commission was duly published in the *Ozaukee Press* on April 17, 2014, and April 24, 2014; and

WHEREAS, a Public Hearing was held before the Town Plan Commission on May 7, 2014, 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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9.1.3.09 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.
- ~~(19)~~(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) Wellness Centers

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9.1.3.10 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 built 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
- ~~(19)~~(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) Wellness Centers

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9.1.3.11 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.
- ~~(1)~~(2) Business offices.
- ~~(2)~~(3) Commercial Bakeries.
- ~~(3)~~(4) Essential services.
- ~~(4)~~(5) Greenhouses.
- (6) Laboratories.
- ~~(5)~~(7) Landscape Business – Level 1, Level 2 and Level 3.
- ~~(6)~~(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.
- ~~(7)~~(10) Warehouses.
- (11) Wholesale.

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9.1.3.12 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.
- ~~(1)~~(2) Business offices.
- ~~(2)~~(3) Commercial Bakeries.
- ~~(3)~~(4) Essential services.
- ~~(4)~~(5) Greenhouses.
- (6) Laboratories.
- ~~(5)~~(7) Landscape Business – Level 1, Level 2 and Level 3.
- ~~(6)~~(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.
- ~~(7)~~(10) Warehouses.
- (11) Wholesale.

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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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9.1.4.08 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:

- (A) Appliance Stores
- ~~(C)~~(B) Department Stores
- ~~(D)~~(C) Drive-In Establishments serving food or beverages for consumption outside the structure
- ~~(X)~~(D) Drive-Through Establishments serving food or beverages
- ~~(B)~~(E) BanksFinancial Institutions
- ~~(E)~~(F) Fish Markets
- ~~(F)~~(G) Funeral Homes provided all principal structures and uses are not less than 50 feet from any lot line
- ~~(G)~~(H) Furniture Stores
- ~~(H)~~(I) Garden Shops
- ~~(H)~~(J) Gasoline and Service Stations and car washing ~~provided that all gas pumps are not closer than 30 feet from a street right-of-way line or other property line.~~
- ~~(J)~~(K) Grocery Stores
- ~~(K)~~(L) Hardware Stores
- ~~(L)~~(M) Landscaping Business – Level 1, Level 2 and Level 3
- ~~(M)~~(N) Laundry and Dry Cleaning (5 employees maximum)
- ~~(N)~~(O) Liquor Stores
- ~~(O)~~(P) Motels
- ~~(P)~~(Q) Outdoor Storage – B-1 District Only and must have related primary structure
- ~~(Q)~~(R) Pet Shops
- ~~(R)~~(S) Public Parking Lots – B-1 District Only
- ~~(S)~~(T) Radio and Television Studios
- ~~(T)~~(U) Rental Apartments on a non-ground floor provided there is a minimum floor area of 500 square feet for a one-bedroom apartment and 750 square feet for a two-bedroom or larger apartment. – B-1 District Only
- ~~(U)~~(V) Restaurants, Clubs, Taverns and Cocktail Lounges
- ~~(V)~~(W) Sporting Goods Stores
- ~~(W)~~(X) Vehicle Sales and Services

9.1.4.09

BP-1 Business Park District and PWB-1 District

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

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

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

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

9.1.4.11

BP-3 Business Park District

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

- (A) Information Services
 - ~~(1) Publishing and audio-visual production.~~
 - ~~(2) Internet publishing, broadcasting, and service providers.~~
 - ~~(3) Data processing services.~~
- (B) Restaurants provided they are closed by 11:00 pm and have no drive-through service.

- (C) Indoor light manufacturing of finished products or parts from previously prepared materials, including the processing, fabrication, assembly, treatment, packaging, and distribution of the following products, but excluding primary industries that use extracted or raw materials:
 - (1) Confections.
 - (2) Cosmetics.
 - (3) Electronic appliances.
 - (4) Electronic devices.
 - (5) Food and meat products (except cabbage and fish products).
 - (6) Furs.
 - (7) Glass.
 - (8) Instruments.
 - (9) Jewelry.
 - (10) Leather.
 - (11) Metals.
 - (12) Paper.
 - (13) Pharmaceuticals.
 - (14) Plaster.
 - (15) Plastics.
 - (16) Textiles.
 - (17) Wood.
- (D) Printing and publishing.
- (E) Florists, non-retail
- (F) Bakeries, non-retail
- (G) Trade and contractor businesses including landscaping.
- (H) Ground-mounted and building-mounted earth station dish and terrestrial antennas. See Subsection 9.1.7.01(D).
- (I) Any building over 20,000 square feet in total area.
- (J) Any use which will generate over 300 Average Daily Trips according to ITE's (Institute of Transportation Engineers) latest edition of *Trip Generation* ~~Commercial pet boarding~~.
- (K) Commercial pet boarding.

9.1.4.12

Light Manufacturing And Warehousing Uses

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

- (A) A Humane Society not operated for-profit
- ~~(B)~~ Automotive Body and Repair Shops (moved to permitted uses)
- ~~(C)~~(B) General Warehousing, and indoor storage
- ~~(D)~~(C) Indoor and Outdoor storage
- ~~(E)~~(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) Machinery Sales and Service
- (K) Printing and Publishing
- (L) Radio and Television Transmission Towers
- ~~(M) Radio and Television Transmission Towers~~
- ~~(N)~~(M) Transportation Terminals, and truck terminals and freight forwarding services
- ~~(O)~~(N) Trade and Contractors Offices, including landscape contracting.
- ~~(P)~~(O) Commercial pet boarding.

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Section 3:

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

9.1.12.02 Specific Words And Phrases

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- (VV) Professional Offices
An office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character.

~~(VV)~~(WW) Rear Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

~~(XX)~~ Rental Storage Unit

A use pertaining to a warehouse or other facility that rents units to people for storing personal possessions.

~~(WW)~~(YY) Restrictive Covenant

See "Deed Restrictions."

~~(XX)~~(ZZ) Retail

The sale of goods to ultimate consumers, usually in small quantities.

~~(YY)~~(AAA) Separation Distance

The required dimensional distance between the outer boundary of a cluster group and another specified feature of development.

~~(ZZ)~~(BBB) Shoreland Lot

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

~~(AAA)~~(CCC) Shore-yard

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

~~(BBB)~~(DDD) Side Yard

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

~~(CCC)~~(EEE) Signs

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

~~(DDD)~~(FFF) Street

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

~~(EEE)~~(GGG) Street Yard or Setback

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

~~(FFF)~~(HHH) Structure

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

~~(GGG)~~(III) Structural Alterations

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

~~(HHH)~~(JJJ) Swimming Pool

Any structure, portable or permanent, containing a body of water 24 inches (24") or more in depth, intended for recreational purposes, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard. Temporary pools less than 200 cubic feet in area that are dismantled and removed for the winter are also not included in this definition.

~~(HH)~~(KKK) Turning Lanes

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

~~(JJJ)~~(LLL) Utilities

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

~~(MMM)~~ Wellness

A use that focuses on an approach to healthcare that emphasizes preventing illness and prolonging life, as opposed to emphasizing treating diseases.

~~(NNN)~~ Wholesale

A use that is associated with the sale of goods in quantity, as to retailers or jobbers, for resale (opposed to retail).

~~(KKK)~~(OOO) Wind Energy Conversion System

A combination of: (1) some sort of surface area for capturing the wind; (2) a shaft, gearing belt, or coupling assembly for converting the rotational power of the attached surface area to an electrically or mechanically usable form; (3) a generator or alternator to convert the rotational energy into electrical energy; and (4) some sort of tower or other structure upon which the first three elements are mounted.

~~(LLL)~~(PPP) Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

~~(MMM)~~(QQQ) Zoning Permit

A permit issued by the Town Building Inspector for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of this Chapter.

~~(NNN)~~(RRR) Net Acre

For all lots one (1) acre or less, lot size restrictions shall apply to net acre remaining after excluding any land subject to easement for a public or private roadway; and excluding any land within the high-water mark of a pond, lake, waterway or wetland. For all lots of more than one (1) acre, such lots shall contain not less than 40,000 square feet of land which is at an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, five (5) feet above the maximum flood record.

~~(OOO)~~(SSS) Native Plants

Vegetation that grows naturally in Wisconsin and is supplied by a local nursery within 100 miles of the Town.

~~(PPP)~~(TTT) View Corridor

The lateral offset from a driver's eye position that shall maintain relatively unobstructed views.

~~(QQQ)~~(UUU) Freeway

An expressway with full control of access and with fully grade separated intersections.

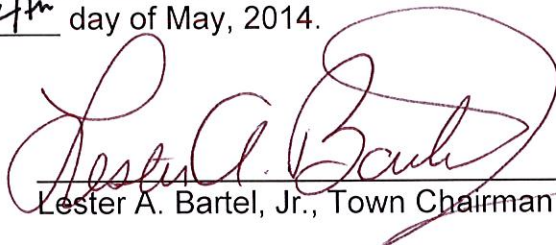
Section 4:

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 14th day of May, 2014.


Lester A. Bartel, Jr., Town Chairman


Amanda L. Schaefer, Town Clerk

Publication Date: June 5th, 2014

Posting Date: , 2014