



Town of Grafton

Town of Grafton Ordinance No. 2009-02

**AN ORDINANCE AMENDING
SECTION 7.7.5.07 (BUILDING CONSTRUCTION)
SECTION 9.1.4.17(A) (CONDITIONAL USE PERMITS)
SECTION 9.2.3.03(d) (CERTIFIED SURVEY MAPS),
SECTION 9.2.3.03(e)1, (CERTIFIED SURVEY MAPS), &
SECTION 9.2.3.03(e)2 (CERTIFIED SURVEY MAPS)
OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN**

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;

WHEREAS, on May 6, 2009, the Town Plan Commission recommended to the Town Board that the Municipal Code of the Town of Grafton be amended with respect to the regulations affecting the division of land, Conditional Use Permits, and the approval of site plans; and

WHEREAS, a Notice of Public Hearing before the Town Board was duly published in the *News Graphic* on April 28, 2009 and May 5, 2009 as required by Title 9.1.11 of the Code of Ordinances, Town of Grafton, Wisconsin; and

WHEREAS, a public hearing was held before the Town Board on May 13, 2009, 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 7.7.5.07 of the Licensing and Regulation Ordinance is hereby deleted in its entirety and replaced with the following:

- (A) Plan Commission Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residentially zoned districts, shall require site plan approval by the Plan Commission.

- (B) Lapse of Site Plan Approval. Except in the case of approved Planned Unit Developments and subject to an extension of time that may be granted by the Plan Commission in six (6) month increments (but for no longer than one (1) additional year), no site plan approval shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

Section 2.

Section 9.1.4.17(A) of the Zoning Ordinance is hereby deleted in its entirety and replaced with the following:

A conditional use permit shall lapse and be null and void in the event that (i) a building permit or occupancy permit for the conditional use has not been issued within 180 days following the issuance of the permit or (ii) the conditional use has not been established within one year after the date of the issuance of the Conditional Use Permit; however, the Town Board, after recommendation by the Plan Commission, may extend the term of the conditional use permit by not more than sixty (60) days upon written application for the extension by the holder of the permit, when the application establishes reasonable cause for granting of the extension. The conditional use permit shall lapse if a conditional use ceases for longer than 365 consecutive days.

Section 3.

Section 9.2.3.03(d) of the Land Division Ordinance is hereby amended as provided by the underlined language:

The Town Board shall, within 90 days of the official filing date, approve, approve conditionally, or reject the Certified Survey Map. If the Certified Survey Map is rejected, the Town Board shall articulate in writing the

reasons for the rejection of the Certified Survey Map. Failure of the Town Board to act within 90 days, or any extension of that time period, constitutes approval of the Certified Survey Map and, upon demand, a certificate to that effect shall be made by the Town Clerk. *See* Sec. 236.34, Wis. Stats.

Section 4.

Section 9.2.3.03(e)1 of the Land Division Ordinance is hereby deleted in its entirety and replaced with the following:

The Certified Survey Map shall comply with the provisions of Section 236.34, Wisconsin Statutes, and shall be recorded with the Register of Deeds for Ozaukee County within six (6) months of the Town Board's approval or conditional approval of the Certified Survey Map. Failure to record the Certified Survey Map within the foregoing time frame will result in the rescission of the Town Board's approval of the Certified Survey Map and the subdivider will have to re-submit the Certified Survey Map for the Town's approval.

Section 5.

Section 9.2.3.03(e)2 of the Land Division Ordinance is hereby deleted in its entirety and replaced with the following:

If the subdivider fails to file with the Town Clerk, within six (6) months of the Town Board's approval or conditional approval of the Certified Survey Map, a copy of the Certified Survey Map showing that the Certified Survey Map has been recorded by the County Register of Deed, the recording bond referred to herein shall be forfeited to the Town.

Section 6.

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 7.

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 13th day of May, 2009.

Date Adopted:

May 13, 2009

Lester A. Bartel, Jr.
Town Board Chairman

Date Published/Posted:

May 19, 2009

Jessica C. Schmidt
Town Clerk